



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
February 16, 2011
10:00 a.m.

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — December 15, 2010 (Pages 3-29)
4. Manufactured Housing Commission Fees Financial Report (Page 30)
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 6 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Brenda Caron at (517) 241-9317 at least 10 work days before the event. DELEG is an equal opportunity employer/program.

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6. Imposition of Penalties
 - a. Arbor Village LLC and Terry Winter, Member and Operator (Pages 31-57)
7. Variances
 - a. Hidden River South (Lenawee County) (Pages 58-72)
 - b. Kline Krest Manufactured Housing Community (Ionia County) (Pages 73-80)
 - c. Whispering Oaks Mobile Home Park (Roscommon County) (Pages 81-93)
8. Committee Reports
9. Unfinished Business
10. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Page 94)
11. Executive Director's Report
12. Other Business
13. Adjournment



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES — DRAFT
December 15, 2010
10:00 a.m.

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Mr. David Hagey
Mr. Peter Hennard

Mr. Thomas Leduc
Mr. Mark Raukar
Mr. Jerome Ruggirello

MEMBERS ABSENT

Ms. Brenda Abbey — Excused
Ms. Carole Elliott — Excused
Ms. Patricia Newman — Excused

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH PERSONNEL
ATTENDING

Ms. Beth Aben, Deputy Director, Bureau of Construction Codes (BCC)
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Asst. Chief, Building Division, BCC
Ms. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Kevin DeGroat, Regulation Specialist, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Todd Cordill, Chief, Plan Review Division, BCC
Ms. LeeAnn Allaire, Departmental Analyst, Office of Management Services (OMS), BCC

OTHERS IN ATTENDANCE

Mr. Tim DeWitt — MMHA
Mr. Chris Kind — United Services & Associates
Mr. Rodney Leon — Attorney for Caton Valley, L.L.C.
Mr. Jerome Mocerri — Shelby Forest Assoc.

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at approximately 10:05 a.m. by Chairperson Blank. A quorum was determined to be present at that time.

2. **APPROVAL OF THE AGENDA**

A **MOTION** was made by Commissioner Leduc and supported by Commissioner Raukar to approve the Agenda. **MOTION CARRIED.**

****Addendum 1

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Commissioner Raukar and supported by Commissioner Leduc to approve the minutes of the October 13, 2010, meeting. **MOTION CARRIED.**

****Addendum 2

4. **MANUFACTURED HOUSING COMMISSION FEES FINANCIAL REPORT**

Ms. Allaire reviewed the Manufactured Housing Commission Fees Financial Report for the 4th Quarter and Fiscal Year ending 2010 and answered any questions. She noted that the revenue from licenses was down this year since it was not a renewal year.

5. **PUBLIC COMMENT**

No one from the public asked to speak.

6. **IMPOSITION OF PENALTIES**

In the matter of Brookhaven Trailer Park, Inc. and Robert DeVries, Operator

No one was present to represent the Licensee.

Mr. DeGroat represented the Bureau of Construction Codes.

After discussion, a **MOTION** was made by Commissioner Hagey and supported by Commissioner Hennard to impose a civil fine in the amount of One Thousand Dollars (\$1,000.00); an additional civil fine in the amount of Four Thousand Dollars (\$4,000.00) and automatic revocation of the Licensee's Manufactured Housing Community License No. 1200019 sixty (60) days from the date of the Final Order if Licensee does not pay the initial One Thousand Dollar (\$1,000.00) civil fine and submit all requested documentation verifying correction of violations (defective retaining wall near site 10) described in Count I of the Order to Show Cause issued on October 21, 2010, and as further referenced in the Bureau's August 16, 2010, letter. Revocation of Licensee's Manufactured Housing Community License No. 1200019 shall automatically require Licensee and any manufactured housing licensee of the Bureau to not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the Act during the time of suspension or revocation, under Rule R125.1214b. Revocation of Licensee's Manufactured Housing Community License Number 1200019 shall automatically result in a request by the Manufactured Housing Commission that a Receiver be appointed. If the license is revoked, the Licensee shall make full restitution to all existing Brookhaven Trailer Park, Inc. residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Licensee after Licensee's Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed. Should Licensee qualify for and obtain a Manufactured Housing Community License after the effective date of the Final Order, the license issued shall contain the limitation that it will automatically be revoked if Licensee fails to comply with the Act; if Licensee's Manufactured Housing Community License is revoked pursuant to the limitation described above, Licensee shall make full restitution to all customers to whom Licensee has not delivered contractually stipulated services of One Hundred Percent (100%) of the value of those services after revocation of the license. **MOTION CARRIED.**

****Addendum 3

In the matter of Lakeview Mobile Park, L.L.C. and Curtis M. DeJonge, Jr., Operator

No one was present to represent the Licensee.

Mr. DeGroat represented the Bureau of Construction Codes.

After discussion, a **MOTION** was made by Commissioner Ruggirello and supported by Commissioner Leduc to impose a civil fine in the amount of Two Thousand Dollars (\$2,000.00); an additional civil fine in the amount of Two Thousand Dollars (\$2,000.00) and automatic revocation of the Licensee's Manufactured Housing Community License No. 1200537 sixty (60) days from the date of the Final Order if Licensee does not pay the initial Two Thousand Dollar (\$2,000.00) civil fine and submit all requested documentation verifying correction of the violations cited in Count I of the Order to Show Cause issued on August 6, 2010. Revocation of Licensee's Manufactured Housing Community License No. 1200537 shall automatically require Licensee and any manufactured housing licensee of the Bureau to not employ an individual who was an

operator of a licensee whose license has been suspended or revoked under the Act during the time of suspension or revocation, under Rule R125.1214b. Revocation of Licensee's Manufactured Housing Community License Number 1200537 shall automatically result in a request by the Manufactured Housing Commission that a Receiver be appointed. If the license is revoked, the Licensee shall make full restitution to all existing Lakeview Mobile Park, L.L.C. residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Licensee after Licensee's Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed. Should Licensee qualify for and obtain a Manufactured Housing Community License after the effective date of the Final Order, the license issued shall contain the limitation that it will automatically be revoked if Licensee fails to comply with the Act; if Licensee's Manufactured Housing Community License is revoked pursuant to the limitation described above, Licensee shall make full restitution to all customers to whom Licensee has not delivered contractually stipulated services of One Hundred Percent (100%) of the value of those services after revocation of the license. **MOTION CARRIED.**

****Addendum 4

7. **VARIANCES**

P-Trap — Kline Krest Manufactured Housing Community (Ionia County)

A **MOTION** was made by Commissioner Raukar and supported by Commissioner Leduc to approve the variance request. **MOTION CARRIED**

****Addendum 5

Caton Valley, L.L.C. (Lenawee County)

Mr. Leon was present to represent the community.

Mr. DeGroat reviewed the request.

After discussion, a **MOTION** was made by Commissioner Hagey and supported by Commissioner Leduc to approve the request for a variance to Rule R125.1947a, pursuant to Section R125.2318(5) of 1987 PA 96, as amended, MCL 125.2318(5), to grant the 4 home to structure spacing violations as outlined on page 109 of the Commission packet. This approval is subject to the condition that any subsequent replacement home or structure placed on the lots herein after the date this variance is issued, be sited in compliance with the distance and setback requirements established in Rule R125.1947a. Commissioner Hennard opposed the motion. **MOTION CARRIED.**

****Addendum 6

Before going further with the meeting agenda, Chairperson Blank announced that after 34 years of service, Kevin DeGroat has decided to retire from State government at the end of December. He has been with this department in one form or another since 1977 and with Manufactured Housing since 1981. He has done an excellent job working with industry people over the years and will be greatly missed by all. We wish him lots of success and happiness in his retirement!

Commissioner Hagey thanked Kevin as well for all of his knowledge and hard work on the Ordinance Review Committee over the years. He will be hard to replace.

On behalf of the Bureau, Beth Aben thanked Kevin for all he's done over the years and to let him know how much he's appreciated and how much he'll be missed.

8. **COMMITTEE REPORTS**

There were no committee reports made.

9. **UNFINISHED BUSINESS**

There was no unfinished business to discuss.

10. **NEW BUSINESS**

Report on Annual Inspections of Manufactured Home Communities

Mr. Lehman reported that all the 2010 annual inspections have been completed. We are still dealing with the last 10 and they are in the review process. The 2011 annual inspection reports will be distributed to Bureau inspectors probably within the next month. The commissioners should have received (via email) a copy of the revised report form that will be used this year, and it is also available on the BCC website. If you have any feedback, comments or suggestions, please get those to Mr. Lehman as soon as possible.

License Approval

After discussion, a **MOTION** was made by Commissioner Hagey and supported by Commissioner Hennard that no action will be taken on Global Green, LLC until Mr. Kind provides proof of payment or pays the outstanding \$2,250 civil fine imposed on him as operator of United Services & Associates, Inc. by the Final Order of the Mobile Home Commission on September 29, 1999. Once the civil fine is paid, then the pending license submission will be forwarded to the Commission for review. **MOTION CARRIED.**

A **MOTION** was then made by Commissioner Hagey and supported by Commissioner Leduc to approve all other pending licenses. **MOTION CARRIED.**

****Addendum 7

11. EXECUTIVE DIRECTOR'S REPORT

Mr. Lehman reported that the 2009 Building, Residential, Rehabilitation, and Energy Codes will go into effect in the state of Michigan on March 9, 2011. Code books can be purchased online through a link from the Bureau's website to the ICC which will enable purchasers to receive a reduced rate on the code books. There will also be a limited supply of code books available at the Bureau office for walk-in customers.

Mr. Lehman indicated that the Building Division will be losing two staff members as a result of retirement. The first one is Phil Dadd who has been an inspector with the Division for 15 years. We will miss him and wish him the best! The second one is Kevin Degroat. It has been a pleasure working with Kevin...he's a wonderful individual, a wealth of information and will be deeply missed because he can't be replaced by one person! He's kind of a legend and left a legacy to the manufactured housing industry.

12. OTHER BUSINESS

Commissioner Hennard commented that he's noticed there are quite a few people operating without retailer licenses selling homes on private property in Northern Michigan. Basically you have people buying homes from the trailer parks or communities and hauling them up north. They replace a couple windows, put some new carpeting in, roll them on private property and no one ever asks for a license. They get a building permit from the locals for the foundation, but then they turn around and sell the home and local building and zoning offices don't ever check for their retailer license because they're not required to...it's the State's job. Perhaps the local building and zoning offices could be required to include a spot on their building permit application for the retailer license number?

Mr. Lehman clarified that most of the information contained on the building permit application is covered specifically under the Construction Code Act. To cross-over and now for us to require a retailer's information on that same application, at the state level, very well may require a change in State law.

Mr. Lehman indicated that if there is someone out there buying and selling manufactured homes without a license, then they are in violation of a retailer's license; and we can certainly take that issue up based on a complaint. We would need a valid letter of complaint.

Mr. Mocerri spoke on a similar situation he's dealing with in court on an unlicensed retailer/person. He has also sent a complaint in to the Bureau that is still open and being investigated.

Ms. Aben indicated that the Bureau is doing a lot of outreach with the local building departments on many issues, so if there is a way for us to work cooperatively with this issue we certainly will do it. In the meantime, if you do become aware of a specific license situation that's out there, then let us know so that we can deal with that one directly.

On another note, Chairperson Blank asked if the Department of Treasury's collections report is public information, and if so can a copy be distributed to the Commission? He would like them to have the opportunity to review it, and see if there are any outstanding balances for people that may still be active in the industry under another license. Mr. Lehman indicated that he'd check into this question.

13. **ADJOURNMENT**

At 11:25 a.m., a **MOTION** was made by Commissioner Raukar and supported by Commissioner Leduc to adjourn the meeting. **MOTION CARRIED.**



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
December 15, 2010
10:00 a.m.

APPROVED

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — October 13, 2010 (Pages 3-24)
4. Manufactured Housing Commission Fees Financial Report (Page 25)
5. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 6 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]

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6. Imposition of Penalties
 - a. Brookhaven Trailer Park, Inc. and Robert DeVries, Operator
(Pages 26-57)
 - b. Lakeview Mobile Home Park, L.L.C. and Curtis M. DeJonge, Jr., Operator
(Pages 58-80)
7. Variances
 - a. P-trap — Kline Krest Manufactured Housing Community (Ionia County)
 - b. Caton Valley, L.L.C. (Lenawee County) (Pages 81-110)
8. Committee Reports
9. Unfinished Business
10. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Page 111)
11. Executive Director's Report
12. Other Business
13. Adjournment



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES
October 13, 2010
10:00 a.m.

APPROVED

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Ms. Brenda Abbey
Ms. Carole Elliott
Mr. David Hagey

Mr. Peter Hennard
Mr. Thomas Leduc
Ms. Patricia Newman
Mr. Mark Raukar

MEMBERS ABSENT

Mr. Jerome Ruggirello — Excused

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH PERSONNEL
ATTENDING

Mr. Irvin Poke, Director, Bureau of Construction Codes (BCC)
Ms. Beth Aben, Deputy Director, BCC
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Asst. Chief, Building Division, BCC
Ms. Brenda Caron, Executive Secretary, Building Division, BCC
Mr. Kevin DeGroat, Regulation Specialist, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Todd Cordill, Chief, Plan Review Division, BCC

OTHERS IN ATTENDANCE

Mr. Tim DeWitt — MMHA
Mr. Tom Janes — First Choice M.H.S.
Ms. Helen Janes — First Choice M.H.S.
Ms. Carolyn Suzanne Miller — MOLA / Arbor Meadows Homeowners Assn.
Mr. Jerome Mocerri — Camelot Villa / Shelby Forest
Mr. Ron Redick — Byron Township
Ms. Kris Stirn — Campbell Caron, Inc.
Mr. Matt Weaver — Campbell Caron, Inc.

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Signatures

Drafted by: Brenda S. Caron Date: October 22, 2010
Brenda S. Caron, Secretary
Building Division

Approved by the Manufactured Housing Commission on:

December 15, 2010



Ronald A. Blank, Chairperson
Manufactured Housing Commission

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864**

In the Matter of:

BCC Docket No. RC 10-0063
License No. 1200019 (AIR 10)
Expires October 1, 2012

Mr. Robert DeVries, Operator
Brookhaven Trailer Park, Inc.
4747 West River Drive
Comstock Park, Michigan 49321

(Community Mailing Address)

(Licensee)

**FINAL ORDER OF THE MANUFACTURED HOUSING COMMISSION
TO IMPOSE CIVIL FINE,
TO IMPOSE REVOCATION OF LICENSE,
AND TO IMPOSE ORDER OF RESTITUTION
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Michigan Department of Energy, Labor & Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560 (101) et seq; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq; MSA 19.855 (101) et seq (hereafter the Act), and the Rules promulgated under the Act (hereafter the Rules), issued a Findings of Fact, Conclusions of Law, Order to Cease and Desist, and Recommendation to Impose Penalties Pursuant to the Mobile Home Commission Act

BROOKHAVEN TRAILER PARK, INC.
FINAL ORDER

(hereafter the Order Finding Facts and Violations) on November 12, 2010, that was forwarded to the Manufactured Housing Commission for the imposition of penalties; and

WHEREAS, the Order Finding Facts and Violations (*Exhibit A*) and Notice that the Manufactured Housing Commission would take action imposing penalties pursuant to the Order Finding Facts and Violations, was served on the Licensee by certified mail on or about November 22, 2010, at the address listed on page one of this Order, and on the Licensee's licensing agent, the Bureau's Building Division. The Bureau neither received documentation from the Licensee confirming full code compliance with Count I of the Bureau's Order to Show Cause that was appended to the Order Finding Facts and Violations nor payment of the assessed administrative fee cited on pages four and five in the latter Order.

WHEREAS, the Manufactured Housing Commission, at its regularly scheduled meeting on December 15, 2010, reviewed the Order Finding Facts and Violations, which is appended hereto and incorporated herein by reference; and

WHEREAS, the Manufactured Housing Commission voted unanimously to impose the following penalties:

IT IS ORDERED, pursuant to Section 43 (1) (g) of the Act, that the LICENSEE SHALL, within 60 days of the Commission's issuance of this Order:

- a. Submit to the Bureau all requested documentation verifying correction of violations (defective retaining wall near site 10) described in Count 1 of the attached Bureau Order to Show Cause, as further referenced in the Bureau's August 16, 2010, letter.
- b. Remit a civil fine in the amount of One Thousand Dollars (\$1,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, Michigan 48909.

BROOKHAVEN TRAILER PARK, INC.
FINAL ORDER

Licensee's failure to comply with Items (a) and (b) above shall result in imposition of the following additional penalties:

- c. An **additional civil fine** in the amount of Four Thousand Dollars (\$4,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, Michigan 48909.
- d. Revocation of Licensee's Manufactured Housing Community License Number 1200019.
- e. Revocation of Licensee's Manufactured Housing Community License Number 1200019 shall automatically require the Licensee and any manufactured housing licensee of the Bureau to not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation, under Rule R125.1214b, as stated in the Order to Show Cause.
- f. Revocation of Licensee's Manufactured Housing Community License Number 1200019 shall automatically result in a request by the Manufactured Housing Commission that a receiver be appointed.
- g. Licensee shall make full restitution to all existing Brookhaven Trailer Park, Inc. residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Licensee after Licensee's Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed.

IT IS FURTHER ORDERED, pursuant to Section 38 (2) of the Act, because the Licensee has engaged in acts or practices constituting violations of the Act or Rules or an Order issued thereunder, that the Licensee CEASE AND DESIST from any act or practice constituting a violation of the Act or Rules or an Order issued pursuant to the Act.

IT IS FURTHER ORDERED, pursuant to Section 43 (1) (c) of the Act, that should Licensee qualify for and obtain a Manufactured Housing Community License after the effective

BROOKHAVEN TRAILER PARK, INC.
FINAL ORDER

date of this Final Order, the LICENSE ISSUED SHALL CONTAIN THE LIMITATION THAT IT WILL AUTOMATICALLY BE REVOKED IF THE LICENSEE FAILS TO COMPLY WITH THE ACT.

IT IS FURTHER ORDERED, pursuant to Section 43 (1) (h) of the Act, that if Licensee's Manufactured Housing Community License is revoked, under the limitation described in the preceding paragraph, LICENSEE SHALL MAKE FULL RESTITUTION to all customers to whom Licensee has not delivered contractually stipulated services, of One Hundred Percent (100%) of the value of those services after revocation of the license.

IT IS FURTHER ORDERED that this Final Order is effective immediately.

ANY COMMUNICATION regarding this Final Order should be addressed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, Building Division, Attention: Larry Lehman, Chief, P.O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
ENERGY, LABOR & ECONOMIC GROWTH



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Dated: 12/15/10

A Copy of this Final Order was sent by Certified and First Class Mail to:

Mr. Robert DeVries, Operator
Brookhaven Trailer Park, Inc.
4747 West River Drive
Comstock Park, Michigan 49321

(Community Mailing Address)

BROOKHAVEN TRAILER PARK, INC.
FINAL ORDER

Mr. Jason E. Buck, Environmental Health Sanitarian
Kent County Health Department
700 Fuller Avenue, N.E.
Grand Rapids, Michigan 49503

Mr. Peter S. Elam, Staff Planner/Floodplain Manager
Plainfield Charter Township
6161 Belmont Avenue
Belmont, Michigan 49306

A Copy of this Final Order was sent by Interdepartmental Mail to:

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Kevin DeGroat, Regulation Specialist
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Tracie Pack, Analyst
Building Division
Bureau of Construction Codes
P.O. Box 30254
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**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864**

In the Matter of:

BCC Docket/License No. 1200537 (AIR 10)
Expires October 1, 2012

Mr. Curtis M. DeJonge, Jr., Operator
[Lakeview Mobile Park, L.L.C.]
4767 44th Street
Holland, Michigan 49423

(Community Mailing Address)

Lakeview Mobile Park, L.L.C.
401 Howard Avenue, Lot 36
Holland, Michigan 49424

(Community Address)

(Licensee)

_____ /

**FINAL ORDER OF THE MANUFACTURED HOUSING COMMISSION
TO IMPOSE CIVIL FINE,
TO IMPOSE REVOCATION OF LICENSE,
AND TO IMPOSE ORDER OF RESTITUTION
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Michigan Department of Energy, Labor & Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560 (101) et seq; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA

LAKEVIEW MOBILE PARK, L.L.C.
FINAL ORDER

125.2301 et seq; MSA 19.855 (101) et seq (hereafter the Act), and the Rules promulgated under the Act (hereafter the Rules), issued a Findings of Fact, Conclusions of Law, Order to Cease and Desist, and Recommendation to Impose Penalties Pursuant to the Mobile Home Commission Act (hereafter the Order Finding Facts and Violations) on October 18, 2010, that was forwarded to the Manufactured Housing Commission for the imposition of penalties; and

WHEREAS, the Order Finding Facts and Violations (*Exhibit A*) and Notice that the Manufactured Housing Commission would take action imposing penalties pursuant to the Order Finding Facts and Violations at its regularly scheduled meeting on December 15, 2010, was served on the Licensee by certified mail on October 21, 2010, at the Howard Avenue address listed on page one of this Order, and on the Licensee's licensing agent, the Bureau's Building Division.

WHEREAS, the Manufactured Housing Commission, at its regularly scheduled meeting on December 15, 2010, reviewed the Order Finding Facts and Violations, which is appended hereto and incorporated herein by reference; and

WHEREAS, the Manufactured Housing Commission voted unanimously to impose the following penalties:

IT IS ORDERED, pursuant to Section 43(1) (g) of the Act, that the LICENSEE SHALL, within 60 days of the Commission's issuance of this Order:

- a. Submit to the Bureau all requested documentation verifying correction of violations described and referenced in Count I of the attached August 6, 2010, Bureau Order to Show Cause.
- b. Remit a civil fine in the amount of Two Thousand Dollars (\$2,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of

LAKEVIEW MOBILE PARK, L.L.C.
FINAL ORDER

Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, Michigan 48909.

Licensee's failure to comply with Items (a) and (b) above shall result in imposition of the following additional penalties:

- c. An **additional civil fine** in the amount of Two Thousand Dollars (\$2,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, Michigan 48909.
- d. Revocation of Licensee's Manufactured Housing Community License Number 1200537.
- e. Revocation of Licensee's Manufactured Housing Community License Number 1200537 shall automatically require Licensee and any manufactured housing licensee of the Bureau to not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation, under Rule R125.1214b, as stated in the last paragraph on page five of the August 6, 2010, Order to Show Cause.
- f. Revocation of Licensee's Manufactured Housing Community License Number 1200537 shall automatically result in a request by the Manufactured Housing Commission that a receiver be appointed.
- g. Licensee shall make full restitution to all existing Lakeview Mobile Park, L.L.C. residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Licensee after Licensee's Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed.

IT IS FURTHER ORDERED, pursuant to Section 38 (2) of the Act, because Licensee has engaged in acts or practices constituting violations of the Act or Rules or an Order issued thereunder, Licensee shall CEASE AND DESIST from any act or practice constituting a violation of the Act or Rules or an Order issued pursuant to the Act.

IT IS FURTHER ORDERED, pursuant to Section 43 (1) (c) of the Act, that should Licensee qualify for and obtain a Manufactured Housing Community License after the effective

LAKEVIEW MOBILE PARK, L.L.C.
FINAL ORDER

date of this Final Order, the LICENSE ISSUED SHALL CONTAIN THE LIMITATION THAT IT WILL AUTOMATICALLY BE REVOKED IF THE LICENSEE FAILS TO COMPLY WITH THE ACT.

IT IS FURTHER ORDERED, pursuant to Section 43 (1) (h) of the Act, that if the Licensee's Manufactured Housing Community License is revoked, under the limitation described in the preceding paragraph, THE LICENSEE SHALL MAKE FULL RESTITUTION to all customers to whom the Licensee has not delivered contractually stipulated services, of One Hundred Percent (100%) of the value of those services after revocation of the license.

IT IS FURTHER ORDERED that this Final Order is effective immediately.

ANY COMMUNICATION regarding this Final Order should be addressed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Construction Codes, Building Division, Attention: Larry Lehman, Chief, P.O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
ENERGY, LABOR & ECONOMIC GROWTH



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Dated: 12/15/10

LAKEVIEW MOBILE PARK, L.L.C.
FINAL ORDER

A Copy of this Final Order was sent by Certified and First Class Mail to:

Mr. Curtis M. DeJonge, Jr., Operator
[Lakeview Mobile Park, L.L.C.]
4767 44th Street
Holland, Michigan 49423

(Community Mailing Address)

Lakeview Mobile Park, L.L.C.
401 Howard Avenue, Lot 36
Holland, Michigan 49424

(Community Address)

A Copy of this Final Order was sent by Interdepartmental Mail to:

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Kevin DeGroat, Regulation Specialist
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Tracie Pack, Analyst
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

**MANUFACTURED HOUSING COMMISSION
BUREAU OF CONSTRUCTION CODES
2501 Woodlake Circle
Okemos, Michigan 48864**

In the Matter of:

**KLINE KREST MANUFACTURED HOUSING COMMUNITY [Project No. 95918]
Ionia County**

Mr. Larry E. Kline, Operator
1067 Somers Road
Ionia, MI 48846

_____ /

**ORDER OF THE MANUFACTURED HOUSING COMMISSION
VARIANCE TO MANUFACTURED HOUSING DEVELOPMENT
CONSTRUCTION STANDARDS**

1. Pursuant to Section 18 (5), 1987 PA 96, as amended, MCL 125.2318 (5), your November 1, 2010, request for a variance to Rule 31 (10), R 325.3331 (10), is APPROVED for this eight-site development.
2. This variance eliminates the requirement for P-traps in the sewer connection to manufactured homes.
3. This variance is approved subject to the following conditions:
 - A. Plans and specifications for the sanitary sewer service connection must be submitted to the Michigan Departments of Natural Resources and Environment or Energy, Labor and Economic Growth for review and must receive approval prior to construction.
 - B. The sites on which the variance is applied shall be restricted to manufactured homes manufactured to the HUD construction standards, which were effective June 15, 1976.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

December 15, 2010

A-5
24

**MICHIGAN MANUFACTURED HOUSING COMMISSION
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES**

P.O. BOX 30254
Lansing, MI 48909

Ms. Jessica Avila, Member and Operator
Caton Valley, L.L.C.
1615 Teneyck Street
Jackson, Michigan 49203

Petitioner

Docket No. 1200689

vs.

Manufactured Housing Commission

Respondent

ORDER OF THE MICHIGAN MANUFACTURED HOUSING COMMISSION

Background:

On behalf of Ms. Jessica Avila, petitioner, Mr. Rodney J. Leon, Esq., submitted a variance request to the Manufactured Housing Commission Rules on October 29, 2010. Ms. Avila is also the Member and Operator of Caton Valley, L.L.C., a Lenawee County pre-Mobile Home Commission Act 12-site development built in 1955 and acquired by Ms. Avila in 2009, according to Bureau records.

R125.1947a, Rule 947a requires manufactured housing communities to be maintained to the standards effective when constructed. It also requires communities permitted to construct before February 28, 1979, to maintain a four-foot wide ground-level, unobstructed seven-foot high pathway and a 10-foot unobstructed side yard space between enclosed home structure attachments.

This community, licensed through September 30, 2012, seeks a variance to the aforementioned rule for four home-to-structure spacing violations referenced in the Bureau's March 5, 2010, inspection report. Avila wants the Commission to approve the spacing violations indicated for the following lot addresses:

A-6

25

<u>HOME/STRUCTURE</u>	<u>EXISTING DISTANCE</u>	<u>DISTANCE REQUIRED</u>
1. 2 & storage bldg.	29'' (-19'')	4 feet [48'' pathway]
2. 3 & elec. box	18'' (-30'')	
3. bldg. & home 3 post	42'' (-6'')	
4. bldg. & elec. box	30'' (-18'')	

In the October 29, 2010, submission, the petitioner states that moving the long-standing storage building, meter post and electrical box creates a great financial burden, would disrupt tenants' utility service, deprive residents the benefit of secure storage space, and likely damage the building. Petitioner presents this request to address outstanding violations cited in the inspection report and resulting Bureau correspondence, thereby resolving remaining non-compliances for manufactured housing community license 1200689, as shown in the attached diagrams and photos.

Procedural Findings:

On consideration of Petitioner's request, a hearing before the Commission was held December 15, 2010, at the Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan in accordance with the Mobile Home Commission Act, 1987 PA 96, and the Administrative Procedures Act, 1969 PA 306.

Issue:

Is Petitioner's variance request for the aforementioned setback spacing shortfalls to Rule R125.1947a approvable in accordance with Section R125.2318 (2) of the Mobile Home Commission Act, 1987 PA 96, and the Administrative Procedures Act, 1969 PA 306?

Findings:

The Commission reviewed all materials provided and the November 15, 2010, report of the Bureau of Construction Codes and finds that Petitioner's request for a variance:

- a. Is approved for the sites listed in Items 1 through 4 of this Order.

Conclusions:

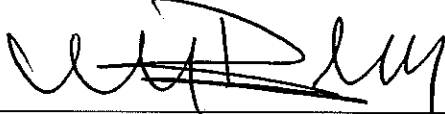
Findings. The petitioner has provided documentation that a variance to Rule R125.1947a is justified, as required by Section R125.2318 (2) of the Mobile Home Commission Act, 1987 PA 96, and the Administrative Procedures Act, 1969 PA 306. The Commission determines that the four home-to-structure setbacks that are less than four feet wide are reasonable, under the practical difficulty and four-foot pathway criteria established in Rules R125.1948 and R125.1947a, respectively.

Decision:

THEREFORE, the Manufactured Housing Commission approves Petitioner's October 29, 2010, request for a variance to Rule R125.1947a, pursuant to Section R125.2318 (5) of 1987 PA 96, as amended, MCL 125.2318 (5), to grant the aforementioned spacing reductions. The Commission's approval is subject to the following conditions:

- a. Any replacement home or structure placed on the lots herein after the date this variance is issued be sited in compliance with the distance and setback requirements established in Rule R125.1947a.

This Order is binding on all parties, unless appealed pursuant to the Administrative Procedures Act, 1969 PA 306.



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

December 15, 2010

PENDING LICENSE APPROVALS
DECEMBER 15, 2010 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
John S. Kennedy J & C Home Improvement 11100 Riley Road Interlochen, MI 49643	
Harry S. Burgess 7105 W. Vienna Road Clio, MI 48420	

**ADDITIONAL PENDING LICENSE APPROVALS
DECEMBER 15, 2010 – MANUFACTURED HOUSING COMMISSION**

INSTALLER/SERVICER	RETAILER
Jacks Carpentry & Repair, Inc. 1231 E. Nye Highway Charlotte, MI 48813 Jack Hannold, Operator	
Sahasa Realty Corp. 1100 S. Washington Saginaw, MI 48601 Samuel Shaheen, Operator	
David Haske Haske's Home Improvements 13248 Sycamore Southgate, MI 48195	
Seth B. Thomas AAA Construction 73051 Caldwell Lane Romeo, MI 48065	

Manufactured Housing Program Fund Revenue/Expenditure Report

FY 2011 - 1st Quarter

Program Revenue

Licenses	\$ 7,076
Permits	\$ 370
Titles	\$ 457,055
Other:	
Publication & Copy Revenue	\$ 383
Land Sales-App. for Registration	\$ -
HUD Reimb. of Insp. Costs	\$ -
Mfrd. Housing Commission Fines	\$ 4,000
Common Cash Interest	\$ -
RED-DCS 1%	\$ -
RED-Dept of State	\$ -
RED-AG	\$ -

Program Expenditures

Salaries	\$ 216,917
Ret., Longev. & Ins.	\$ 157,573
CSS&M & Equipment	\$ 1,405
Travel	\$ 5,269
Sub-Total Direct Expenditures	\$ 381,165
Indirect Dept. Expenditures:	
Info Technology Services	\$ -
Rent	\$ 9,443
Property Management	\$ -
Executive Director Programs	\$ -
Administrative Services	\$ -
Code Enforcement	\$ -

TOTAL REVENUE \$ 468,884

TOTAL EXPENDITURES \$ 390,608

1st Quarter Difference = \$78,276

FY 2010 Year-End Totals

Program Revenue

Licenses	\$ 266,104
Permits	\$ 285
Titles	\$ 2,121,060
Other:	
Publication & Copy Revenue	\$ 1,406
Land Sales-App. for Registration	\$ -
HUD Reimb. of Insp. Costs	\$ -
Mfrd. Housing Commission Fines	\$ 11,000
Common Cash Interest	\$ 7,884
RED-DCS 1%	\$ (37,217)
RED-Dept of State	\$ (286,329)
RED-AG	\$ -
RED-CIS	\$ -

Program Expenditures

Salaries	\$ 1,033,972
Ret., Longev. & Ins.	\$ 598,126
CSS&M & Equipment	\$ 224,581
Travel	\$ 21,407
Sub-Total Direct Expenditures	\$ 1,878,085
Indirect Dept. Expenditures:	
Info Technology Services	\$ 82,600
Rent	\$ 33,142
Property Management	\$ 10,569
Executive Director Programs	\$ 10,501
Administrative Services	\$ 267
Code Enforcement	\$ -

TOTAL REVENUE \$ 2,084,193

TOTAL EXPENDITURES \$ 2,015,163

FY 10 DIFFERENCE \$69,030

FY11 BEGINNING BALANCE \$ 2,486,113

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the **Notice of Manufactured Housing Commission Meeting and Findings Of Fact, Conclusions Of Law, Order To Cease And Desist, And Recommendation To Impose Penalties Pursuant To The Mobile Home Commission Act** was served upon all parties in this matter by Inter-Departmental mail to those parties employed by the State of Michigan or by certified mail, return receipt requested, and first class mail at their respective addresses as disclosed by the file on this 10th day of January, 2011.

Terry Winter, Member and Operator
Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

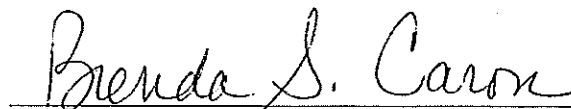
Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

Terry Winter
Winfire Capital
1455 South Lapeer Road
Lake Orion, MI 48360

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Tracie Pack, Analyst
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909



Brenda S. Caron, Executive Secretary
Building Division
Bureau of Construction Codes

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

Mr. Terry Winter, Member and Operator
Arbor Village LLC
7940 South Circle Drive
Parma, Michigan 49269

BCC Docket/License No. 1200998 (AIR 10)
Expires October 1, 2012

(Community Mailing Address)

Arbor Village LLC
7940 South Circle Drive
Parma, Michigan 49269

(Community Address)

(Licensee)

Issued and entered

this 22nd day of December, 2010
by Kevin DeGroat, Regulation Specialist
Building Division

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER TO CEASE AND DESIST, AND
RECOMMENDATION TO IMPOSE PENALTIES
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

WHEREAS, the Michigan Department of Energy, Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq.; MSA 3.560 (101) et seq.; the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq.; MSA 19.855 (101) et seq. (hereafter the Act), and the Rules promulgated under the Act (hereafter the Rules), issued an Order To Show Cause Why An Order Revoking

FINDINGS OF FACT

Manufactured Home Community License; Imposing a Civil Fine; Requiring Restitution; And To Cease And Desist Should Not Be Issued Pursuant To The Mobile Home Commission Act (hereafter the Order to Show Cause) on October 5, 2010. A copy of the Order to Show Cause and attachments is appended hereto (*Exhibit A*) and is incorporated herein by reference; and

WHEREAS, the Order to Show Cause was sent by certified mail to the licensee on October 5, 2010, at the addresses listed on page six of the Order to Show Cause. The Bureau, on October 5, 2010, also served a copy of the Order to Show Cause upon the licensee by serving the Manufactured Housing Commission with a copy of the Order to Show Cause, pursuant to Section 35 of the Mobile Home Commission Act; and

WHEREAS, more than 15 days have elapsed since the date of receipt of the Order to Show Cause and the licensee has failed to provide written evidence that all violations cited in **Count 1** are corrected, as required in subsections a and b, page four, of the Order to Show Cause.

WHEREAS, the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public, and consistent with purposes fairly intended by the policy and provisions of the Act; and, therefore, pursuant to Section 39 (1) of the Act, the Bureau makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Arbor Village, LLC, (Licensee), is a Limited Liability Company organized and existing under the laws of the State of Michigan. Mr. Terry Winter is a Member and the Operator of this company. Licensee's mailing address is 7940 South Circle Drive, Parma, Michigan 49269.

FINDINGS OF FACT

2. The Licensee is engaged in the business of owning and operating a manufactured housing community located at 7940 South Circle Drive, Parma, Michigan 49269, and holds manufactured housing community license 1200998, which expires on October 1, 2012.

3. On April 12, 2010, a state inspector from the Bureau of Construction Codes inspected the Licensee's manufactured housing community. The purpose of the inspection was to determine compliance with the Act and the Rules, which is required to be certified for licensing and to operate as a community.

4. The results of this inspection were set forth in the Bureau's Statement Of Intent To Commence Proceedings And Notice Of Opportunity To Show Why Such Proceedings Should Not Be Commenced Pursuant To The Mobile Home Commission Act (hereafter the Statement of Intent), which the Bureau issued and sent to the Licensee by certified mail on August 24, 2010 (*Exhibit B*). A copy of the Statement of Intent was also delivered to the Bureau's Building Division and licensing agent.

5. The Statement of Intent established the Licensee's right to provide documentation of compliance within 15 days of receipt. The Licensee has failed to provide the Bureau evidence of full compliance with Count I of the Statement within the 15 days allotted. A certified mail receipt received by the Bureau on August 30, 2010, indicates that Danielle Grow signed for and received this Statement of Intent at the community's mailing address on August 27, 2010. A certified mail receipt received by the Bureau on October 8, 2010, indicates that a Jessica Foster at the Licensee's community mailing address signed for the aforementioned Order to Show

FINDINGS OF FACT

Cause on October 6, 2010. The results of the 2010 inspection are referenced in the Order to Show Cause.

CONCLUSIONS OF LAW

6. Licensee's failure to correct all rule violations noted in the Statement of Intent and Order to Show Cause is a violation of Section 38 (1) (b) of the Act.

IT IS HEREBY FOUND that the Licensee engaged in acts or practices constituting violations of the Act, Rules or an Order issued under the Act.

IT IS HEREBY ORDERED that this Order shall be forwarded to the Manufactured Housing Commission for the consideration of the imposition of any Penalty as may be provided in Section 43 (1) of the Act and issuance of a Final Order in accordance with Section 85 of the Administrative Procedures Act of 1969.

IT IS HEREBY RECOMMENDED that the Manufactured Housing Commission impose the following penalties:

1. Within sixty (60) days from the date of the Final Order, Licensee shall complete the following actions:
 - a. Submit to the Bureau all requested documentation verifying correction of violations described in Count 1 of the attached Bureau Order to Show Cause.
 - b. Remit to the Bureau an administrative fee in the amount of One Thousand Dollars (\$1,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, Michigan 48909.
2. Licensee's failure to comply with Item 1 above shall result in imposition of the following additional penalties:

FINDINGS OF FACT

- a. In addition to the civil fine in the amount of One Thousand Dollars (\$1,000.00) as prescribed in Item 1 (b) above, **a civil fine in the amount of Four Thousand Dollars (\$4,000.00).**
- b. Revocation of Licensee's Manufactured Housing Community License.
- c. Revocation of Licensee's Manufactured Housing Community License shall automatically require Licensee and any manufactured housing licensee of the Bureau to not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation, under Rule R125.1214b, as stated in the Order to Show Cause.
- d. Revocation of Licensee's Manufactured Housing Community License should automatically result in a request by the Manufactured Housing Commission that a receiver be appointed.
- e. Licensee shall make full restitution to all existing community residents of One Hundred Percent (100%) of the lot rent that each resident has paid to the Licensee after Licensee's Manufactured Housing Community License has been revoked until such time that a Receiver has been appointed.

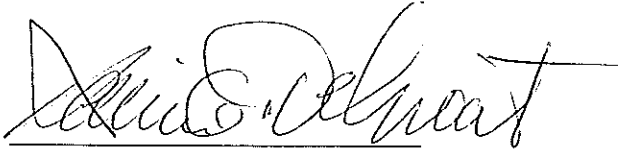
IT IS FURTHER ORDERED, pursuant to Section 38 (2) of the Act, because Licensee has engaged in acts or practices constituting violations of the Act and Rules or an Order issued thereunder, that the Licensee CEASE AND DESIST from any act or practice constituting a violation of the Act or Rules or an Order issued pursuant to the Act.

FINDINGS OF FACT

ANY COMMUNICATION regarding this Order should be addressed to the Bureau of Construction Codes, Building Division, Attention: Larry Lehman, P.O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
ENERGY, LABOR & ECONOMIC GROWTH

By:



Kevin DeGroat, Regulation Specialist
Building Division
P.O. Box 30254
Lansing, Michigan 48909

Dated: 12/22/10
Lansing, Michigan

A Copy of this Order was sent by Certified and First Class Mail to:

Mr. Terry Winter, Member and Operator
Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Mailing Address)

Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Address)

Mr. Terry Winter
Winfire Capital
1455 South Lapeer Road
Lake Orion, Michigan 48360

FINDINGS OF FACT

A Copy of this Order was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Tracie Pack, Analyst
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

FINDINGS OF
FACT
EXHIBIT
A

In the Matter of:

BCC Docket/License No. 1200998 (AIR 10)
Expires October 1, 2012

Mr. Terry Winter, Operator
Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Mailing Address)

Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Address)

(Licensee)

Issued and entered
this 5th day of October 2010
by Tracie Pack, Analyst
Building Division

**ORDER TO SHOW CAUSE WHY AN ORDER REVOKING MANUFACTURED
HOUSING COMMUNITY LICENSE; IMPOSING A CIVIL FINE; REQUIRING
RESTITUTION, AND TO CEASE AND DESIST SHOULD NOT BE ISSUED
PURSUANT TO THE MOBILE HOME COMMISSION ACT**

The Michigan Department of Energy, Labor & Economic Growth (hereafter the Department),
Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act
of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560 (101) et seq, the Mobile
Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq; MSA 19.855 (101) et seq
(hereafter the Act), and the rules promulgated under the Act (hereafter the Rules), says:

ORDER TO SHOW CAUSE

FACTS COMMON TO ALL COUNTS

1. On the date indicated on the attached Manufactured Home Community Annual Inspection Report, a state inspector from the Bureau of Construction Codes completed an inspection of the licensee's manufactured housing community. The purpose of the inspection was to determine compliance with the Act and the Rules, which is required to be certified for licensing and to operate as a community.
2. The results of this inspection were set forth in the Bureau's Statement Of Intent To Commence Proceedings And Notice Of Opportunity To Show Why Such Proceedings Should Not Be Commenced Pursuant To The Mobile Home Commission Act (hereafter the Statement of Intent), which the Bureau issued and sent to the licensee by certified mail (*Exhibit 1*). A copy of the Statement of Intent was also delivered to the Bureau's Building Division, the licensee's licensing agent.
3. The Statement of Intent established the licensee's right to provide documentation of compliance to the Bureau, within 15 days of receipt. The licensee has failed to provide the Bureau evidence of full compliance with Count I of the Statement within the 15 days allotted. Certified mail receipt received by the Bureau indicates that the Statement of Intent was signed for at the licensee's delivery address.

Accordingly, the licensee is in violation of the following:

COUNT I

FAILURE TO CORRECT THE RULE VIOLATIONS NOTED IN THE MANUFACTURED HOME COMMUNITY ANNUAL INSPECTION REPORT

ORDER TO SHOW CAUSE

4. As a condition of licensing pursuant to Executive Order No. 2006-16 and Sections 16 (3) and 17 (1) of the Act, the Department of Energy, Labor & Economic Growth is required to conduct annual physical inspections of mobile home parks and seasonal mobile home parks and grant certificates of compliance for the purpose of licensing.

5. The Bureau of Construction Codes, Building Division, issued a Manufactured Home Community Annual Inspection Report regarding violations disclosed during the annual inspection of the licensee's residential community. The Bureau mailed this report to the licensee with an accompanying cover letter.

6. The licensee has not filed verification with the Bureau indicating that all of the rule violations noted in the Manufactured Home Community Annual Inspection Report (*Exhibit 2*) have been corrected.

7. Licensee's failure to correct the aforementioned rule violations noted in the Manufactured Home Community Annual Inspection Report is a violation of Section 38 (1)(b) of the Act.

IT IS THEREFORE ORDERED, pursuant to Sections 38 (1)(b) and 38 (2) of the Act, because of the aforementioned violations of the Act and Rules and because the Bureau finds this action necessary and appropriate in the public interest, for the protection of the public, and consistent with the purposes and provisions of the Act, that the above named licensee SHOW CAUSE WHY AN ORDER REVOKING MANUFACTURED HOUSING COMMUNITY LICENSE; IMPOSING A CIVIL FINE; REQUIRING RESTITUTION; AND TO CEASE AND DESIST SHOULD NOT BE ISSUED.

ORDER TO SHOW CAUSE

This Order to Show Cause offers the licensee the final opportunity to resolve outstanding Count I of this Order to Show Cause by providing evidence to the Bureau documenting full compliance with the following requirements within 15 days of receipt of this Order to Show Cause:

- a. Return to the Bureau documentation proving compliance with Count I of this Order, as it references the violations cited in the Bureau's inspection report (*Exhibit 2*). This evidence shall include:
 1. *Signed work orders or construction contracts, and photographs verifying correction of all violations outlined in the inspection report, or*
 2. *Signed construction contracts stipulating that all uncorrected violations cited in the aforementioned Items of the inspection report will be corrected within 30 days of the issuance of this Order.*
- b. Remit to the Bureau an administrative fee in the amount of One Thousand Dollars (\$1,000.00), which shall be paid by certified, cashier's, or bank money order check payable to the State of Michigan. This check shall be mailed to the Bureau of Construction Codes, Building Division, P.O. Box 30255, Lansing, MI 48909.

BE ADVISED that all interested parties are afforded an opportunity for a hearing. If a written request for a hearing is received by the Bureau within fifteen (15) days from the date of your written receipt of this Order to Show Cause, then the matter shall be set down for a hearing to commence within forty-five (45) days after your receipt of this Order to Show Cause, unless you and the Bureau consent to a later date.

BE ADVISED that it is important you understand any statements which you present in a written response to this Order to Show Cause may be used against you at a formal proceeding arising from this matter. It is important you understand you have the right, at your own expense, to have an attorney assist you in preparing a written response, or assist you at any appellate proceeding regarding the Manufactured Housing Commission's determination on this matter.

ORDER TO SHOW CAUSE

BE ADVISED that a Findings of Fact and Conclusions of Law, followed by a Final Order, shall be entered in this matter to any licensee who does not comply with this Order to Show Cause within 15 days of receipt, pursuant to Section 39 (1) of the Act. The Manufactured Housing Commission may then impose sanctions as provided by Section 43 of the Act.

BE FINALLY ADVISED that a licensee shall not employ an individual who was an operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation, under Rule R125.1214b.

ANY COMMUNICATION regarding this Order to Show Cause should be addressed to the Bureau of Construction Codes, Building Division, Attention: Tracie Pack, P.O. Box 30254, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF ENERGY,
LABOR & ECONOMIC GROWTH

By:



Tracie Pack, Analyst
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Dated: October 5, 2010
Lansing, Michigan

A Copy of this Order to Show Cause was sent by Certified and First Class Mail to:

Mr. Terry Winter, Operator
Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Mailing Address)

Arbor Village LLC
7940 South Circle Drive
Parma, MI 49269

(Community Address)

A Copy of this Statement of Intent was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Beth Aben, Deputy Director
Administration
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Michigan Department of Energy, Labor & Economic Growth
 Bureau of Construction Codes
 Building Division
 P.O. Box 30255
 Lansing, MI 48909
 (517) 241-9347
 Authority: 1987 PA 96

FEES TRANSMITTAL

Mr. Terry Winter, Operator
 Arbor Village LLC
 7940 South Circle Drive
 Parma, MI 49269

Index Code: 02020

BCC Complaint Number	License Number	Administrative Fee Civil Fine	Late Title Fee	Total Due
N/A	1200998 (AIR 10)	\$1000.00	N/A	\$1000.00

Please make checks or money orders payable to State of Michigan. Return the original copy of this invoice with the payment. Retain the copy for your records.

If you have questions regarding this invoice, please call the Building Division at (517) 241-9347.

VALIDATION AREA

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

45

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse, so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Mr. Terry Winter, Operator
 Arbor Village
 7940 South Circle Drive
 Parma, Michigan 49269

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Mr. Terry Winter* B. Registered Name *Arbor Village*
 C. Date of Delivery *10/6/10*

Is address different from item 1? ☐ Yes
 If delivery address below: ☐ No

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

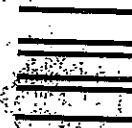
2. Article Number 7001 2510 0000 0410 2247

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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Department of Energy, Labor and Economic Growth
Bureau of Construction Codes
Building Division
PO Box 30254
Lansing, Michigan 48909

RECEIVED
LABOR & ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES
OCT 08 2010

KID 1A00998

OFFICE OF LOCAL GOVERNMENT
& CONSUMER SERVICES

FINDINGS
OF
FACT
EXHIBIT B-

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF CONSTRUCTION CODES

In the Matter of:

BCC Docket/License No. 1200998 (AIR 10)
Expires October 1, 2012

Mr. Terry Winter, Operator
Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

(Community Mailing Address)

Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

(Community Address)

(Licensee)

Issued and entered
this 24th day of August, 2010
by Kevin DeGroat, Regulation Specialist
Building Division

STATEMENT OF INTENT TO COMMENCE PROCEEDINGS
AND NOTICE OF OPPORTUNITY TO
SHOW WHY SUCH PROCEEDINGS SHOULD NOT BE COMMENCED
PURSUANT TO THE MOBILE HOME COMMISSION ACT

TAKE NOTICE that the Michigan Department of Energy, Labor and Economic Growth (hereafter the Department), Bureau of Construction Codes (hereafter the Bureau), pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560(101) et seq, the Mobile Home Commission Act, 1987 PA 96, as amended; MCLA 125.2301 et seq; MSA 19.855(101) et seq (hereafter the Act), and the rules promulgated under

STATEMENT OF INTENT

the Act (hereafter the Rules), intends to begin proceedings relating to possible violations of the Act and Rules which proceedings might result in the imposition of the penalties and remedies provided in the Act unless a satisfactory response to this Statement of Intent to Commence Proceedings and Notice of Opportunity to Show Why Such Proceedings Should Not Be Commenced Pursuant to the Mobile Home Commission Act (hereafter the Statement of Intent) is received.

THE REASONS for this Statement of Intent are:

FACTS COMMON TO ALL COUNTS

1. On the date indicated on the attached Manufactured Home Community Annual Inspection Report, a state inspector from the Bureau of Construction Codes completed an inspection of the licensee's manufactured housing community. The purpose of the inspection was to determine compliance with the Act and the Rules, which is required to be certified for licensing and to operate as a community.

The licensee is in violation of the following:

COUNT I

FAILURE TO CORRECT THE RULE VIOLATIONS NOTED IN THE MANUFACTURED HOME COMMUNITY ANNUAL INSPECTION REPORT

2. As a condition of licensing pursuant to Executive Order No. 2006-16 and Sections 16 (3) and 17 (1) of the Act, the Department of Energy, Labor and Economic Growth is required to conduct annual physical inspections of mobile home parks and seasonal mobile home parks and grant certificates of compliance for the purpose of licensing.

STATEMENT OF INTENT

3. The Bureau of Construction Codes, Building Division, mailed you the attached letter enclosing a Manufactured Home Community Annual Inspection Report regarding violations disclosed during the annual inspection of the licensee's residential community. The second paragraph of this letter describes the information needed to verify correction of these violations.

4. The licensee has not filed verification with the Bureau indicating that all of the rule violations noted in the Manufactured Home Community Annual Inspection Report (*Exhibit A*) have been corrected.

5. The licensee's failure to correct the aforementioned rule violations noted in the Manufactured Home Community Annual Inspection Report is a violation of Section 38 (1) (b) of the Act.

THE CONDUCT alleged in Count I may constitute grounds for the imposition of penalties and remedies provided in the Act, including suspension, revocation, or limitation on your manufactured housing community license; censure; probation; imposition of a civil fine; restitution; and/or an Order to Cease and Desist, pursuant to the Act.

BE ADVISED that the Bureau must provide you with an opportunity to show compliance with all lawful requirements before commencing formal proceedings which might lead to penalties provided in the Act. This is your Statement of Intent of the right to that opportunity.

BE ADVISED that you may show full compliance in writing, provided that your written statement is submitted to the Bureau within **15 days** of your receipt of this Statement of Intent.

STATEMENT OF INTENT

Failure to comply may result in the assessment of an administrative fee, if a subsequent Order is issued.

BE ADVISED that it is important that you understand that any statements which you present in a written response may be used against you at a formal hearing, if one is held. It is also important that you understand that you have the right, at your own expense, to have an attorney assist you in preparing a written response.

BE FURTHER ADVISED that if the Bureau's representatives decide that you have not made a sufficient showing of compliance, or if you do not respond to this Statement of Intent, the Bureau's representatives will institute formal administrative proceedings regarding the Count set forth in this Statement of Intent.

ANY COMMUNICATION regarding this Statement of Intent should be addressed to the Bureau of Construction Codes, Building Division, Attention: Kevin DeGroat, P.O. Box 30254, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF ENERGY,
LABOR AND ECONOMIC GROWTH

By: *Kevin DeGroat*
Kevin DeGroat, Regulation Specialist
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Dated: August 24, 2010
Lansing, Michigan

STATEMENT OF INTENT

A Copy of this Statement of Intent was sent by Certified and First Class Mail to:

Mr. Terry Winter, Operator
Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

(Community Mailing Address)

Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

(Community Address)

A Copy of this Statement of Intent was sent by Interdepartmental Mail to:

Larry Lehman, Chief
Building Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Beth Aben, Deputy Director
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent

B. Received by (Printed Name)

C. Date of Delivery

Address different from item 1? ☐ Yes ☐ No
 If delivery address below: ☐ Yes ☐ No

Mr. Terry Winter, Operator
Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
 (Transfer from s) 7001 2510 0000 0410 4791

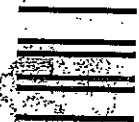
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE

27 AUG 2010 PM 1:17



First-Class Mail
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USPS
Permit No. 1010

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Department of Energy, Labor, & Economic Growth
Bureau of Construction Codes
Office of Local Government & Consumer Services
P.O. Box 30254
Lansing, Michigan 48909

LABOR & ECONOMIC STRATEGY
BUREAU OF CONSTRUCTION

AUG 30 2010

KD 1800998

OFFICE OF LOCAL GOVERNMENT
& CONSUMER SERVICES



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

July 2, 2010

Mr. Terry Winter, Operator
Arbor Village, LLC
7940 South Circle Drive
Parma, Michigan 49269

RE: Arbor Village
(Jackson Co.) – License No. 1200998

Dear Mr. Winter:

Enclosed is a copy of the Manufactured Housing Community Annual Inspection Report. The inspection revealed violation of rules that were promulgated under the Mobile Home Commission Act (Act 96, Public Acts of 1987, as amended).

Please correct the violations noted in the "NO" column of the report and submit verification to our office that the violations have been corrected no later than **August 2, 2010**. Acceptable verification would be **photographs (photographs are REQUIRED)** and signed and/or dated work orders with written documentation of the action(s) taken.

If you have previously submitted verification to the Department of Environmental Quality or the local health department, you will need to forward a copy of the information to our agency as directed above.

If you fail to respond to this notification within the specified time frame, then an action to suspend, revoke, or otherwise penalize your community license will be initiated in accordance with Section 43 of the Mobile Home Commission Act. If additional time is required to complete the necessary corrections, please submit written notification immediately.

If you have any questions, contact our office at (517) 241-9347.

We appreciate your cooperation.

Sincerely,

Kary L. Dare

Kary L. Dare
Building Division

KLD/kld

Enclosure

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
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55

Manufactured Home Community Annual Inspection Report

Michigan Department of Energy, Labor & Economic Growth

Bureau of Construction Codes / Building Division

P.O. Box 30254, Lansing, MI 48909

517-241-9317

Authority: 1987 PA 96

NAME OF MANUFACTURED HOME COMMUNITY ARBOR VILLAGE, L.L.C.	COUNTY JACKSON	LICENSED SITES 268	COMMUNITY LICENSE NO. 1200998
COMMUNITY ADDRESS 7940 SOUTH CIRCLE DRIVE	CITY PARMA, MI	ZIP CODE 49269	
NAME OF COMMUNITY REPRESENTATIVE TERRY WINTER	REPRESENTATIVE'S TELEPHONE NUMBER (Include Area Code) [REDACTED]		DATE OF INSPECTION 4-12-10

Place a check (✓) in the appropriate box. Checking "YES" indicates compliance with the rules.

			COMPLIES	
			YES	NO
1. Rule 703(1)	Speed limit signs (maximum 15 mph) are posted on internal roads.		✓	
2. Rule 703(2)	There are regulation stop signs at intersections of community egress roads and public roads.		✓	
3. Rule 703(3)	Internal roads are identified by street signs at all intersections.		✓	
4. Rule 705(1)	Playground, recreational and athletic areas are free of safety hazards.		✓	
5. Rule 708(1)	All parts of community owned buildings, structures and electrical systems are in good repair.		✓	
6. Rule 709	Community roads, walkways and driveways are maintained in a sound condition.		✓	
7. Rule 710(1)	Disconnected fuel lines on vacant sites are locked off or plugged to prevent leakage.			✓
8. Rule 710(2)	Disconnected electrical service lines on vacant sites removed from sites and site circuit breaker master switches are off or master fuses removed.			✓
9. Rule 710(2)	Circuit breaker or fuse box protective covers on vacant sites are secured.			✓
10. Rule 947a(4)	There are 4 foot wide (not necessarily straight) pathways running the length of the side yards between homes from the back "lot line" to the internal road which are free of all obstacles to a minimum height of 7 feet. (For communities issued a permit to construct prior to February 28, 1979). Original license date: 10/08/1981		✓	
11. Rule 711, 712, 713 & 714	Drainage: Street drainage adequate, lot drainage adequate.		✓	
12. Rule 715	Garbage and Rubbish: Storage/disposal, maintenance of area, dumpsters placed on a paved area.		N	A
13. Rule 717	There is no evidence of an insect and rodent control problem.		✓	
14. Rule 718	General operation, maintenance and safety: No health or safety hazards, and the equipment and facilities are adequately maintained.			✓

Recommendation Regarding Certification of Compliance:

- ☐ Substantial Compliance
☒ Substantial Compliance - Follow-up Action is Recommended
☐ Not in Substantial Compliance and Denial of Certification is Recommended

Comments: (Use this space for additional details (such as locations) relating to violations listed above)

1st Call 8:00 on 4-7-10 (#7) 7677, lot 90, lot 126, 7922. (#8) 7836, lot 253, 7842, lot 258, 25, 268, 123, 271, 7930, 7902, 126, 90, 7881, 7870, 7878, 7863, 181, 7671, 7677, 7673, lot 20, 53 (#14) Back W via via Safety Hazard.
 (Note) I did not have last years ENSP report 5-5-10

SIGNATURE OF COMMUNITY REPRESENTATIVE <i>[Signature]</i>	TELEPHONE NUMBER (Include Area Code) [REDACTED]	DATE 4-12-10
SIGNATURE OF INSPECTOR <i>[Signature]</i>	TELEPHONE NUMBER (Include Area Code) [REDACTED]	DATE 4-12-10

The Bureau of Construction Codes will follow-up any potential violations.

Out Call 8:00 on 4-7-10 talked to Terry Winters

(#7) Gas not locked off or plugged on Lots #7677,
90, 126, 7922

(#8) Bare Wires on Lots # 7836, 252, 7842, 758, 25,
264, 12, 271, 7930, 7902, 126, 90, 7881, 7870, 7878,
7876, 191, 7671, 7677, 7673, 78, 53

(#14) Bare Wires are a Safety Hazard.

(#10 & 13) I did not have last years Insp Report.
5-5-10



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MEMORANDUM

Date: January 28, 2011

To: Manufactured Housing Commission

From: Gerrit Bakker, Building Division, BCC

Subj: REQUEST FOR VARIANCE in the matter of:
Madison BDC, LLC, d/b/a Hidden River South (Lenawee Co)
License No. 1201194 / Plan Review Division Project No. 96018

Ref: (a) R 125.1905(5), Rule 905(5) – A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

Purpose. To consider the enclosed submission from Michael Bertakis of Bertakis Development, Inc., on behalf of the developer, requesting a specific variance from the above referenced rule which, in turn, would authorize the Bureau to renew Permit To Construct No. 96018, beyond the current 10-year limit, and to establish a new permit expiration date of August 31, 2020, in order to allow the developer time to complete this partially completed development.

Background. The original permit to construct for this community was issued on December 17, 1997, to Madison BDC, Inc., d/b/a Hidden River South, and approved a 344-site community in Lenawee County's Madison Township. On July 22, 2003, a permit extension was granted until December 17, 2007. So far, construction on only 202 of the 344 permitted sites has been completed, although significant additional financial investments and infrastructure improvements have already been made on the remaining 142 incomplete sites. Because of the 10-year time limit on permit extensions imposed by Reference (a), the Bureau may not further extend the developer's permit to construct unless the Commission grants a specific variance pursuant to its authority under MCL 125.2318 and R 125.1948, Rule 948.

Justification. The enclosed letter from Mr. Bertakis, dated December 10, 2010, contains the applicable statements required by R 125.1948(3), Rule 948(3), for Commission consideration. The letter states, in relevant part:

"As we are all aware, due to the condition of the current economy, there has been an increasing surplus of existing manufactured home sites over the past eight years. Such surplus of lots has caused the development of new manufactured home sites to be economically unfeasible. The original five year permit to construct and fully lease 344

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www.michigan.gov/dleg

MEMORANDUM – REQUEST FOR VARIANCE

Madison BDC, LLC, d/b/a Hidden River South

January 28, 2011

sites was quite ambitious, even when including the five year extension, when taking into consideration the severe economic impact our region has felt over for nearly a decade. Coupled with Michigan's highest unemployment rate in the U.S., the original Permit to Construct and the 5 year extension has not been nearly enough time to allow development of a project totaling 344 sites.

Although our last two phases (phases 4 & 5; lots 60 – 125; 157 – 231) have not officially begun construction, there have been significant expenditures and improvements in these phases including sewer and water lines necessary to service the first three phases plus substantial land balancing and grading. Additional improvements include storm water and retention silt beds and swales and culverts installed to receive and direct storm water from adjacent properties through Hidden River South to said retention beds.

Another improvement in uncompleted phases 4 & 5 is the secondary entrance/exit. Hidden River South has the unique luxury of a secondary entrance at the far end of the undeveloped phases, extending to the developed phases. This access serves as an additional emergency entrance/exit as well as a safer access to retail shopping without navigating heavy traffic and intersections.

In summary, based on the current state of the economy and the high probability that an economic climate to support new development is still years away, an additional five year extension would not appear adequate time to complete the future phases in an economically supportive economy.

For the above stated reasons, we respectfully request a ten (10) year extension on the current Permit to Construct to allow Bertakis Development to properly complete the final two phases [of] Hidden River South in an economically feasible market. We foresee completing construction of all remaining sites by August 31, 2020. As with the first Permit to Construct and the subsequent extension, this second extension will not affect any safety or health issues with residents of Hidden River or neighboring properties.”

Discussion. Whether the specific reasons stated in the enclosed filings listed in the following pages demonstrate an exceptional practical difficulty to compliance that supports the need for a variance under the criteria of R 125.1948, Rule 948, hinges upon whether the Commission believes the Rule's intent regarding exceptional practical difficulty would include the delays in real estate development projects that have been caused by the exceptionally severe economic downturn and high unemployment that has temporarily affected Michigan and its manufactured housing industry.

Recommendation. The Bureau's Plan Review Division is neutral on the substance of this Request and has no objection to its approval. If the Commission is persuaded that the existing permit to construct should be renewed and approved for an extension through August 31, 2020, then it will be understood that the remainder of this partially completed community may continue to be built to its currently engineered standards and that it will not be subject to any higher or newer standards until the expiration of a renewed permit. The Commission has the option of attaching a condition with an earlier permit expiration date.

GHB/ghb

Encl: (1) Bertakis Development, Inc. letter of 17 Dec 2010 (w/attachments)

cc: Larry Lehman, BCC, Building Div
Todd Cordill, BCC, Plan Review



30695 LITTLE MACK AVENUE, SUITE 100
ROSEVILLE, MICHIGAN 48066

PHONE (586) 294-5080
FAX (586) 294-5082
www.bertakis.com

December 17, 2010

Mr. Kevin Degroat
Department of Labor & Economic Growth
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

Dear Kevin,

Enclosed is our Application for Request of Variance. We have also included a copy of the checklist you forwarded for ease in verification that we have addressed each item on the list as requested.

We respectfully submit this information prior to January 16, 2011 to qualify for the February 16, 2011 Variance meeting.

Upon your review of this package, could you please contact me to verify all is well and that our application is complete for the Feb. 16th meeting?

Thank you and have a great Holiday Season!

Sincerely,

BERTAKIS DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to read "Michael J. Bertakis", written over a horizontal line.

Michael J. Bertakis
Partner / V.P. of Development



30695 LITTLE MACK AVENUE, SUITE 100
ROSEVILLE, MICHIGAN 48066

PHONE (586) 294-5080
FAX (586) 294-5082
www.bertakis.com

Mr. Arnold Harper
Charter Township of Madison
4008 S. Adrian Hwy
Adrian, MI 49221

Re: Hidden River South Permit to Construct Variance,
Permit #62024, Project #41388(Lenawee)

Dear Mr. Harper:

Madison BDC, LLC, our entity which owns Hidden River South, is currently seeking an extension on its previously approved Permit to Construct issued by the State of Michigan. By law the Michigan Department of Labor & Economic Growth ("DLEG") requires all applicants applying for an extension to a Permit to Construct to notify the local municipality in writing that such an extension is being formally requested. DLEG issues such extension in the form of a Permit to Construct Variance.

Due to the current economic conditions in Michigan and Lenawee County, there is no demand for new manufactured home lots which makes it economically unfeasible to construct new phases at this time. This permit extension will allow us to continue construction in a future market when improved economic conditions will support such financial investment. At that time, we will continue to build our final two phases to the same high quality standards that Madison Township has come to expect from the first three phases of Hidden River South.

Please allow this letter to serve as our notice to Madison Township that Madison BDC, LLC has requested our Permit to Construct Variance from DLEG to extend our allowable time to finish our final two phases of Hidden River South.

If you have any questions please contact our office and I would be happy to discuss them with you.

Sincerely,

BERTAKIS DEVELOPMENT, INC

A handwritten signature in black ink, appearing to read "Michael J. Bertakis".

Michael J. Bertakis
Partner / V.P. of Construction



December 10, 2010

Mr. Kevin Degroat
Michigan Department of Labor & Economic Growth
Bureau of Construction Codes
P.O. Box 30254
Lansing, MI 48909

RE: Request for Variance Project # 96018 Lenawee

Dear Mr. Degroat,

Bertakis Development, Inc. is requesting a variance of R125-1905(5) seeking an extension of time to continue our development of Hidden River South in Madison Township, Michigan.

As we are all aware, due to the condition of the current economy, there has been an increasing surplus of existing manufactured home sites over the past eight years. Such surplus of lots has caused the development of new manufactured home sites to be economically unfeasible. The original five year permit to construct and fully lease 344 sites was quite ambitious, even when including the 5 year extension, when taking into consideration the severe economic impact our region has felt over for nearly a decade. Coupled with Michigan's highest unemployment rate in the U.S., the original Permit to Construct and the 5 year extension has not been nearly enough time to allow development of a project totaling 344 sites.

Although our last two phases (phases 4 & 5; lots 60 – 125; 157- 231) have not officially begun construction, there have been significant expenditures and improvements in these phases including sewer and water lines necessary to service the first three phases plus substantial land balancing and grading. Additional improvements include storm water and retention silt beds and swales and culverts installed to receive and direct storm water from adjacent properties through Hidden River South to said retention beds.

Another improvement in uncompleted phases 4 & 5 is the secondary entrance/exit. Hidden River South has the unique luxury of a secondary entrance at the far end of the undeveloped phases, extending to the developed phases. This access serves as an additional emergency entrance/exit as well as a safer access to retail shopping without navigating heavy traffic and intersections.

In summary, based on the current state of the economy and the high probability that an economic climate to support new development is still years away, an additional five year extension would not appear adequate time to complete the future phases in an economically supportive economy.

For the above stated reasons, we respectfully request a ten (10) year extension on the current Permit to Construct to allow Bertakis Development to properly complete the final two phases Hidden River South in an economically feasible market. We foresee completing construction of all remaining sites by August 31, 2020. As with the first Permit to Construct and the subsequent extension, this second extension will not affect any safety or health issues with residents of Hidden River or neighboring properties.

If additional information is needed for this request please notify me and I will address any and all concerns immediately.

Sincerely,

BERTAKIS DEVELOPMENT, INC

A handwritten signature in black ink, appearing to read 'Michael J. Bertakis', with a long horizontal flourish extending to the right.

Michael J. Bertakis
Partner / V.P of Construction



30695 LITTLE MACK AVENUE, SUITE 100
ROSEVILLE, MICHIGAN 48066

PHONE (586) 294-5080

FAX (586) 294-5082

www.bertakis.com

December 10, 2010

Dear Hidden River South Resident,

In anticipation of our completion of the final two phases, Hidden River South has requested an extension of our Permit to Construct from the Michigan Department of Economic Growth.

If you have any questions please contact our office and I would be happy to discuss them with you.

Sincerely,

BERTAKIS DEVELOPMENT, INC.

A handwritten signature in black ink, appearing to read "Michael J. Bertakis", written over a horizontal line.

Michael J. Bertakis
Partner/ Vice President of Construction



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

November 17, 2010

Mr. Michael Bertakis
Bertakis Development
30695 Little Mack Avenue
Suite 100
Roseville, MI 48066

RE: Project Number: 96018 - Lenawee
Arch. Project Number: N/A
Hidden River South
3251 S Adrian Highway
Adrian, MI

Construction Type: Renewal
No. of Sites: 142
Site Sequence: 60-126;157-231

Dear Mr. Bertakis:

This project has been reviewed for compliance with the State of Michigan Manufactured Housing General Rules.

2008 Manufactured Housing General Rules - Usha Menon

1. Rule 905(5) - A plan approval and permit to construct is valid for 5 years after the date of issuance and may, upon application, review of the previously approved plans for compliance with these rules, and the approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plan approval and permit to construct was issued.

Since it is more than 10 years from the initial plan approval and permit to construct, a permit to renewal can not be issued.

2. Rule 948(1)(a) - The Commission may grant a variance to a specific citation to the community design and rules.

You may apply for a variance for renewal. For details contact Building Division at (517)

Debbie (517) 241-9317

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www.michigan.gov/dleg



Mr. Michael Bertakis
Page 2
November 17, 2010

Upon receipt of a written satisfactory response to each code plan review comment, the approval will be forwarded.

If you have any questions regarding your plan review, please contact our office at (517) 241-9328.

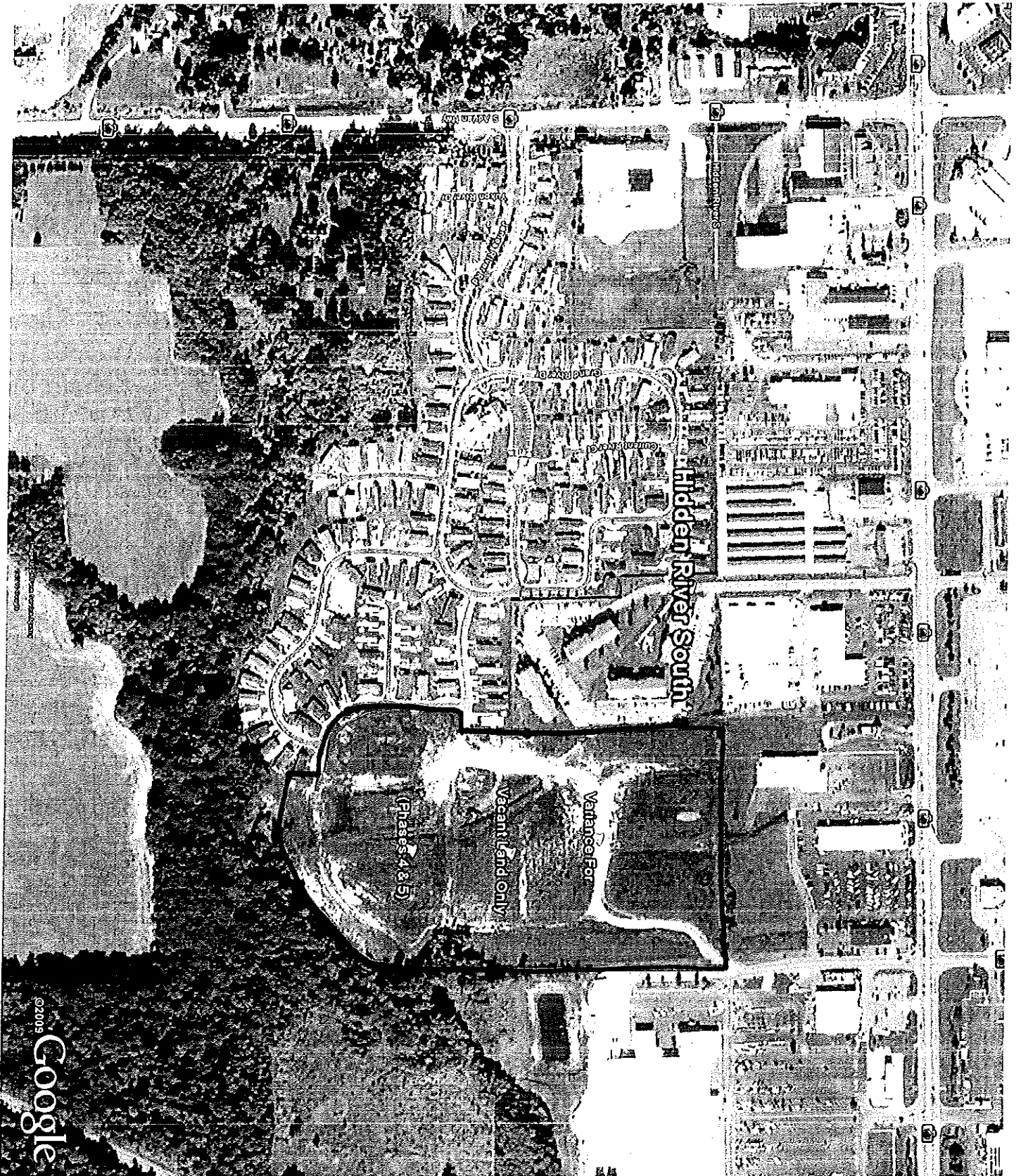
Sincerely,

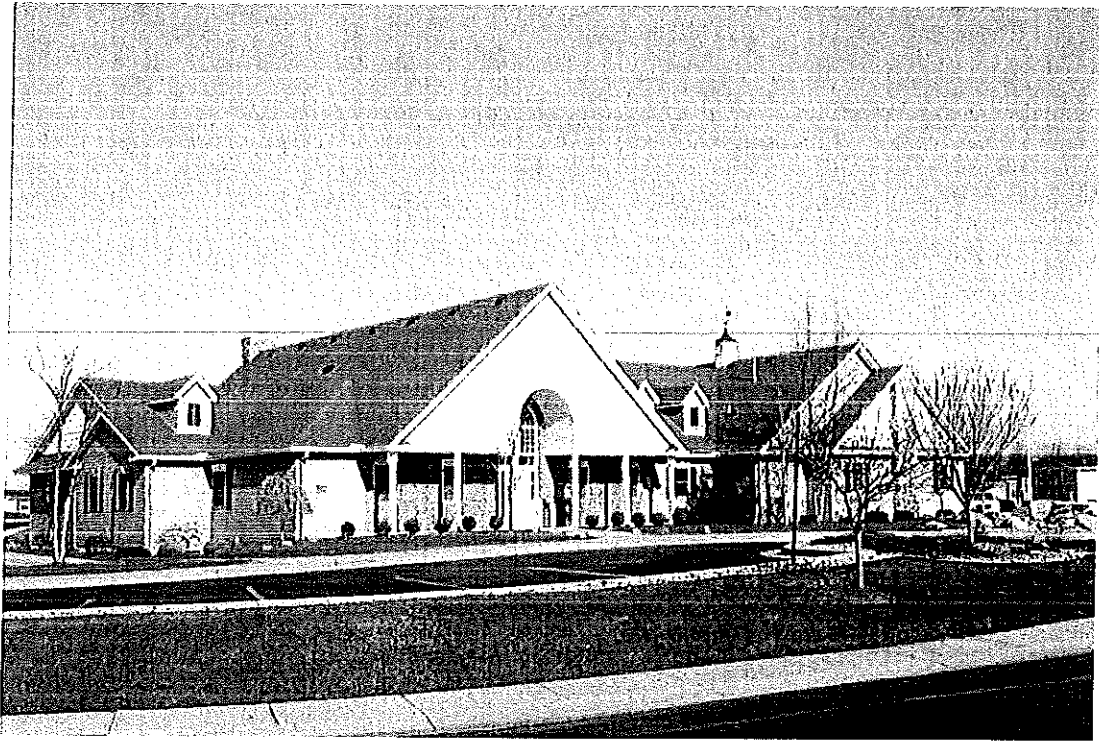


Usha Menon, Plan Reviewer

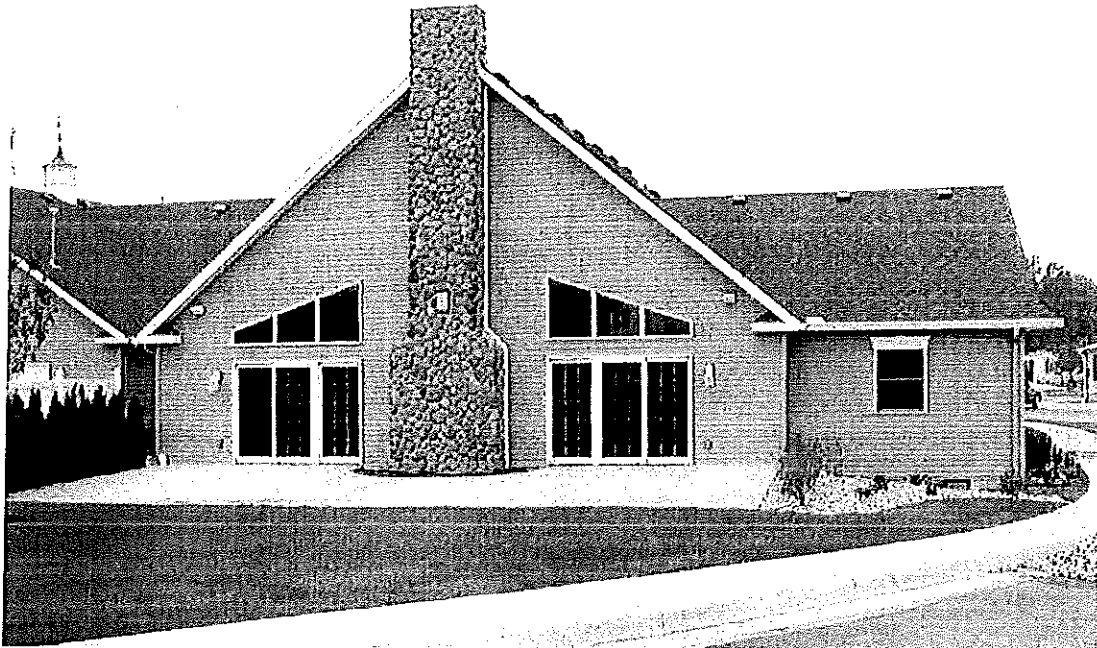
UM/lg

cc: BCCFS – Building Division
Advanced Consulting Eng - Harry Alvey





Clubhouse "Lodge"
Community Center / Management & Sales Offices



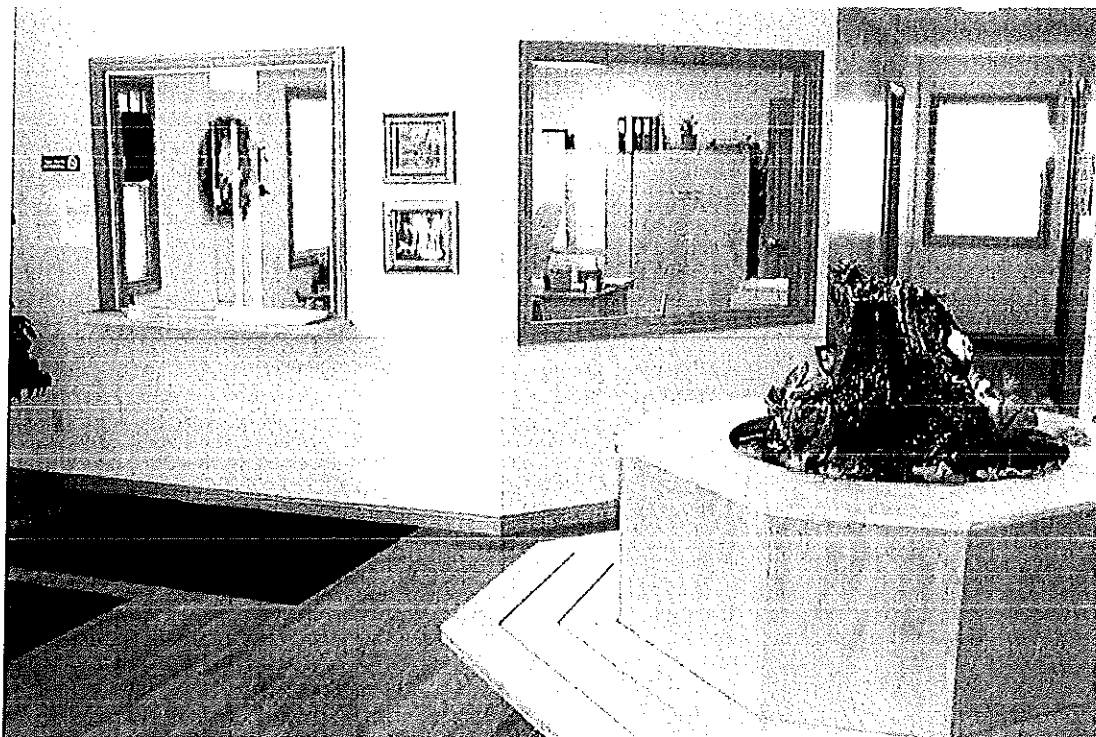
Rear View Of Clubhouse "Lodge"



Clubhouse Great Room



Clubhouse Kitchen



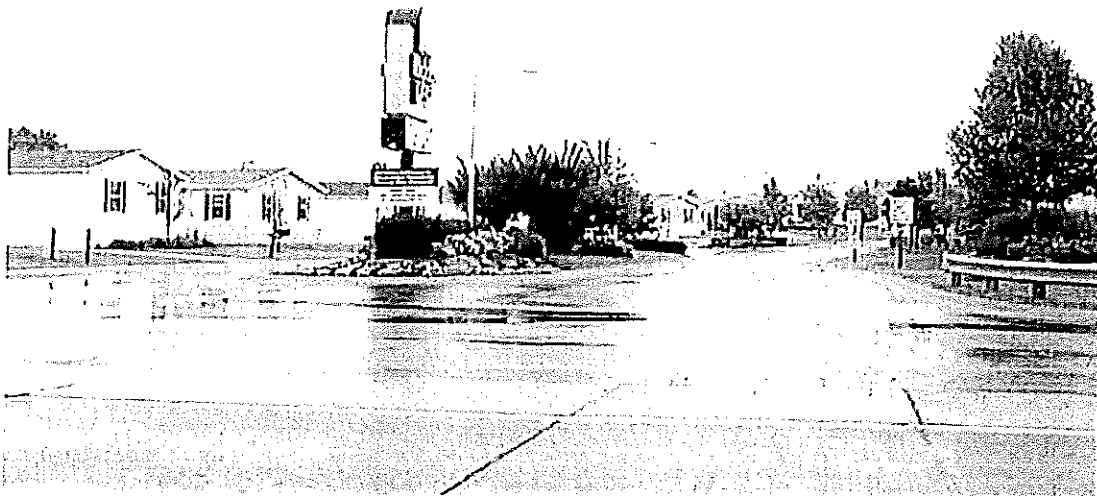
Clubhouse Foyer & Management Offices



Childrens Playscape



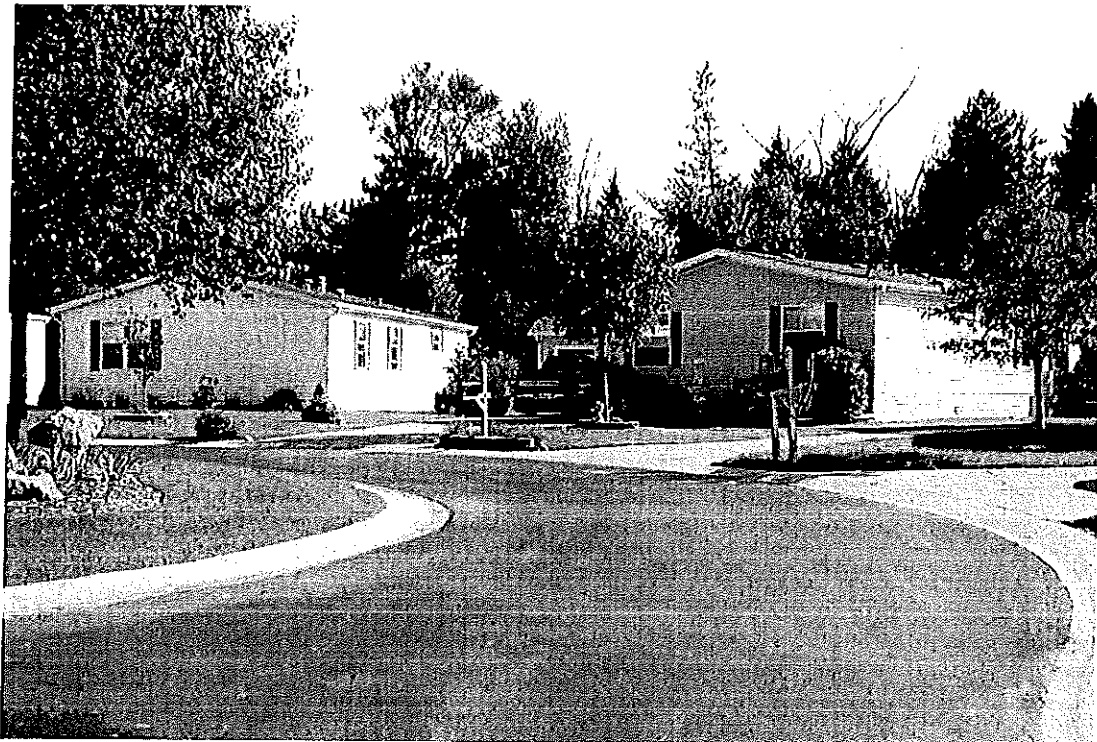
Main Entrance Illuminated 20' Sign



Main Boulevard Entrance



Street Scene



Street Scene



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MEMORANDUM

Date: January 31, 2011

To: Manufactured Housing Commission

From: Gerrit Bakker, Building Division, BCC *GB*

Subj: REQUEST FOR VARIANCES in the matter of:
Larry E. Kline, d/b/a Kline Krest Manufactured Housing Community (Ionia County)
License No. (Pending) / Plan Review Division Project No. 95918

- Ref: (a) R 125.1920(1)(c), Rule 920(1)(c) – Dead end internal roads shall terminate with one of the configurations listed in the 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, which is adopted by reference in R 125.1102 of these rules.
- (b) R 125.1920(2), Rule 920(2) – All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows: (a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community. (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet. (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners. (d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

Purpose. To consider the enclosed submission from John Fiero of Boss Engineering, on behalf of the developer, requesting two specific variances from the above referenced rules regarding (a) dead end fire apparatus roads and (b) the ingress/egress turning lanes of the entrance road for this new manufactured housing community which, if approved, would authorize the Bureau's Plan Review Division to approve the proposed construction plans, as currently configured, and issue a Permit to Construct.

Background. On November 19, 2010, the Bureau's Plan Review Division received an Application for Manufactured Housing Community Plan Examination and Permit from developer Larry Kline for permission to construct an eight (8) site licensed community in a rural area of Ionia County's Ionia Township. Because the construction plans, as currently proposed, would not comply with the above referenced community design and construction rules, the Bureau may not approve this permit application unless the Commission grants two specific variances pursuant to its authority under MCL 125.2318 and R 125.1948, Rule 948.

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MEMORANDUM – REQUEST FOR VARIANCE

Larry E. Kline, d/b/a Kline Krest MHC

January 31, 2011

Justification. In his enclosed letter, Mr. Fiero states that constructing a turnaround, as prescribed by Reference (a), would be prohibitively expensive and would be more cumbersome and awkward for emergency vehicles compared to a restricted-access egress road. He therefore proposes, in lieu of a turnaround, a restricted-access egress road at the end of the single proposed internal road which would only be accessible to emergency vehicles exiting the community.

In further support of this first part of his request for a turnaround variance, Mr. Fiero's enclosed letter includes both a site plan of the proposed community, which shows the alternate restricted-access egress road for emergency vehicles, as well as a letter from the Ionia Department of Public Safety confirming the fire department's satisfaction with the engineer's proposed alternative to the usual dead-end turnaround.

With regards to the second part of his variance request, Mr. Fiero states that reducing the entrance from 33 feet to 28 feet and reducing the number of egress lanes from 2 lanes to 1 lane, as prescribed by Reference (b), would avoid the need to destroy one or more of the mature trees near the entrance. He therefore proposes, in lieu of the usual two 11-foot wide egress lanes, a single 14-foot wide egress lane which he believes would still be more than adequate to handle the limited vehicle traffic created by a small rural licensed community with only 8 home sites. The ingress lane of the community's entrance would also be widened from 11-foot wide to 14-foot wide.

In further support of this second part of his request for only one egress lane instead of the usual two, Mr. Fiero's enclosed letter includes a letter from the Ionia County Road Commission approving the proposed community entrance configuration as being sufficient for such a small community of only 8 sites.

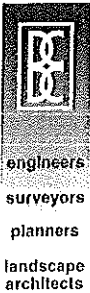
Discussion. Whether this filing demonstrates an exceptional practical difficulty to compliance and, thus, supports the need for a variance to the dead end road turnaround requirements of Reference (a) and the entrance road requirements of Reference (b), under the criteria of R 125.1948, Rule 948, hinges upon whether the Commission believes it would be an exceptional practical difficulty to require the developer to construct a turnaround instead of his proposed restricted-access egress road for emergency vehicles and on whether it would be an exceptional practical difficulty to require the developer to cut down mature trees near the community entrance in order to provide two egress lanes, instead of just one, for such a small rural community of only 8 sites.

Recommendation. The Bureau's Plan Review Division is neutral on these two variance requests and has no objection to their approval. If the Commission is convinced by stated justifications, there may be grounds for approving these variances. The Commission may also wish to attach a condition on the second part which limits the entrance variance to the current proposal for only 8 licensed sites and requires any future expansion project to also bring the entrance to the community into compliance with the standards in effect at the time of any future expansion.

GHB/ghb

Encl: (1) Boss Engineering letter of 24 Jan 2011 (w/attachments)

cc: Larry Lehman, BCC, Building Div
Todd Cordill, BCC, Plan Review



BOSS ENGINEERING

3121 E. Grand River
Howell, MI 48843

January 24, 2011

Larry Lehman
Bureau of Construction Codes
Office of Local Government and Consumer Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Kline Krest Manufactured Housing Community, Ionia Township, Ionia County

Dear Mr. Lehman:

This letter is submitted by Boss Engineering Company on behalf of, Mr. Larry E. Kline and the Kline Krest Manufactured Housing Community, in accordance with Rule 948 of the Manufactured Housing Commission Standards. Rule 948 provides that an applicant may file a request for a variance if a specific requirement would cause an exceptional practical difficulty. We are requesting variances from two of the construction rules under the commissions' standards.

In October 2010 we filed plans for construction of the proposed 8 unit Kline Krest Manufactured Housing Community. Subsequently we received plan review comments from Usha Menon of your staff and we find that we are unable to meet two of the department's rules with respect to configuration of the road within Kline Krest. We discussed this matter with Ms. Menon and with Mr. Kevin Degroat prior to his retirement. Mr. Degroat advised that an application for variance should be submitted to you for consideration by the Manufactured Housing Commission. Accordingly, we respectfully request consideration of the following variances.

**R 125.1920 Internal roads; general requirements; local conditions.
Rule 920, Subsection (1)(c)**

The rule reads, in part:

Dead end internal roads shall terminate with one of the configurations listed in the 2003 edition, international fire code, appendix D, figure D103.1 dealing with dead end fire apparatus access roads, which is adopted by reference in R 125.1102 of these rules.

A copy of the site plan for Kline Krest is attached. We are requesting a variance to forego the prescribed turnaround in lieu of a restricted access egress road. Please note the following:

- In lieu of a turnaround we are proposing a restricted access emergency egress road. The egress road would be accessible to emergency vehicles but routine use by

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Fax: 517.548.1670
e-mail: be@bosseng.com
www.bosseng.com

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community residents would be restricted. The egress road would be constructed and maintained in accordance with MDELEG standards.

- The fire chief has reviewed the site plan, visited the site and granted his approval of the proposed design. A copy of a letter from the local fire department is attached.
- Kline Krest is an 8 unit community in a rural setting. There is ample room for emergency vehicles to access the property and all homes within the community.
- It is a practical impossibility to comply with the rule. The property slopes to the east and at the east end of the roadway the grade drops several feet. The proposed egress road can be graded and constructed to a safe slope and configuration but to construct a turnaround as prescribed by the rule would require extensive fill, an extensive retaining wall, and safety railings. The turnaround would be prohibitively expensive to construct and would be more cumbersome and awkward for emergency vehicles compared to the proposed egress road.
- The property on which the proposed egress road is located is contained within the parcel on which the manufactured home community is being constructed and is owned by Mr. Kline.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920, Subsection (2) reads

All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

- (a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.
- (b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
- (c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
- (d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

We are requesting a variance from the requirement that the entrance road be 33 feet in width. There are mature trees on the property that the owner would like to retain. Without removing those trees the maximum width of the entrance road can only be 28 feet. We are proposing an entrance road width of 28 feet with an ingress lane (east bound) of 14 feet and an egress lane

(west bound) of 14 feet. We believe this would be reasonable, practical and approvable for the following reasons:

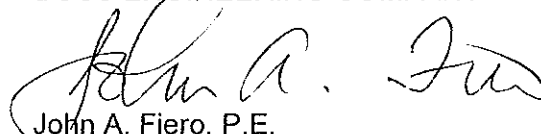
- The road commission has reviewed the site plan and granted preliminary. A copy of a letter from road commission is attached.
- The proposed community is in a rural setting and there is minimal traffic on Somers Road, the county road which serves the property. There is no significant likelihood of traffic delays.
- It is anticipated that very few vehicles will turn left out of the community. Nearby schools, shopping and community services are in and near the Village of Lyons approximately two mile northeast of the property. The primary access routes to the expressway and the larger community dictate right turns out of the community. There is no significant concentration of businesses, population or services south of the community. A left turn lane would be little used and of little value.
- The proposed community will consist of only eight homes. The traffic volume that will be generated by the community is minimal and does not necessitate a separate left turn lane.

Plans for the Kline Krest Manufactured Housing Community have been reviewed by the Department of Energy, Labor and Economic Growth. The department is aware of the variance requests. We have also provided the local unit of government, Ionia Township, notification of the variance requests. We trust that the information submitted is adequate. We will plan to be present when the Commission considers the variance requests to address any questions or concerns. Please notify us when the matter is scheduled for consideration and please contact me if you have any questions or concerns regarding this submittal.

Thank you.

Sincerely,

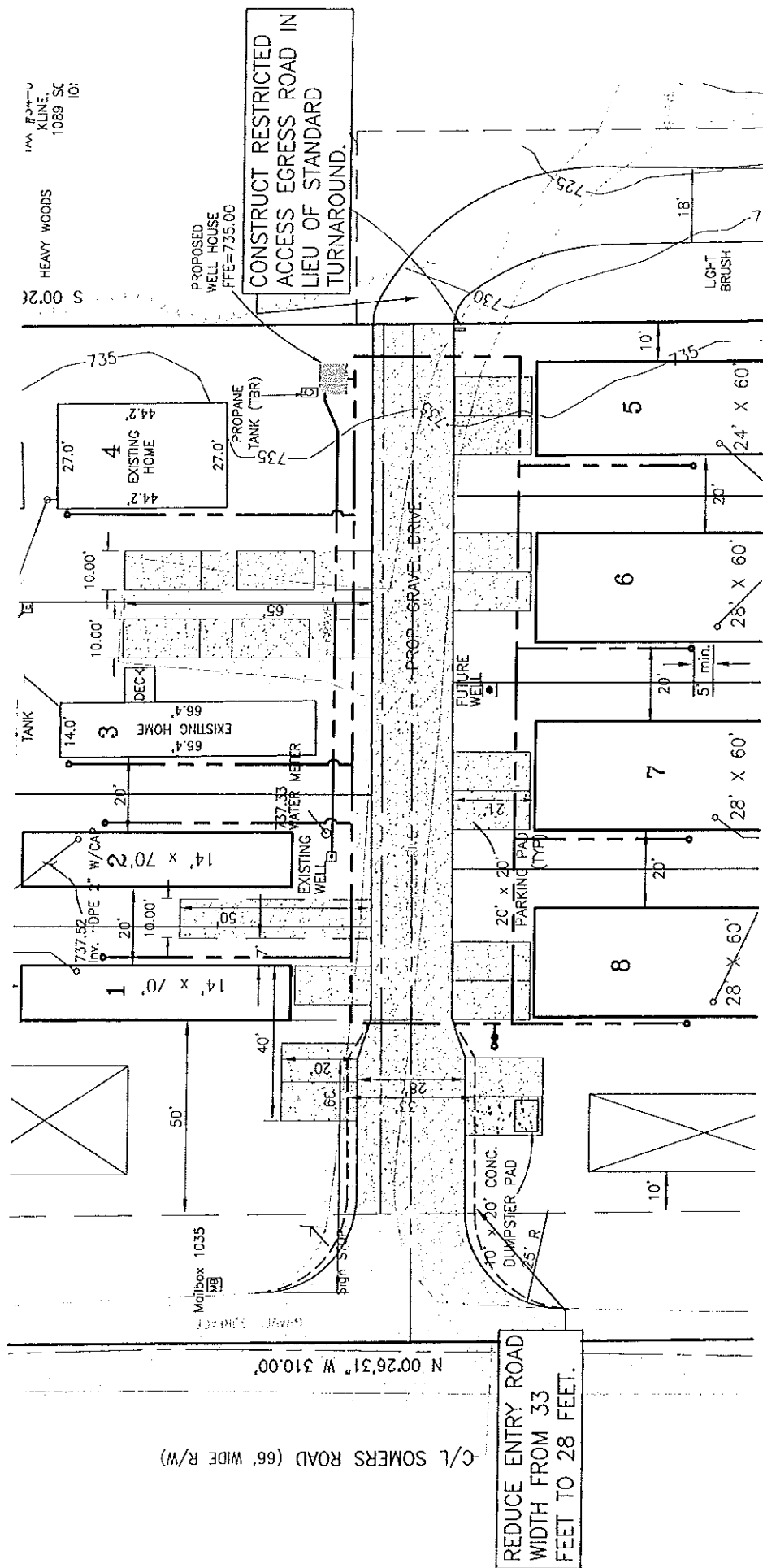
BOSS ENGINEERING COMPANY



John A. Fiero, P.E.
Senior Project Coordinator

CC: Mr. Larry E. Kline
Ms. Usha Menon
Ionia Township

KLINE KREST PROPOSED ROAD VARIANCES



SCALE: 1 INCH = 40 FEET



BOSS ENGINEERING
ENGINEERS • SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
(800) 246-6735; FAX (517) 548-1570
E-MAIL: be@boomeng.com

BOSS FILE NO. 10-101
E-MAIL: deobossing

DATE: 1-17-17



David W. Bulling
Director

IONIA DEPARTMENT OF
PUBLIC SAFETY

239 East Adams Street, Ionia Michigan, 48846
616-527-4431



Troy S. Thomas
Lieutenant

September 23, 2010

Mr Larry Kline
P. O. Box 16
Ionia, MI 48846

Re: Somers Rd Trailer Park Project

Mr Kline,

I have had the opportunity to review your planned Trailer Park project on Somers Rd and found the twenty one foot roadway adequate for getting our Fire Apparatus into the Park and being able to effectively mitigate an emergency situation, from Boss Engineering Site Plan dated August 30, 2010 and referenced in Sheets 3 & 4. This Department will also be satisfied with having a through-way at the end of the property line.

If you have any questions or concerns regarding this correspondence, please feel free to contact me.

Thank you.

Sincerely,

Troy S Thomas
Lieutenant

Lupton, MI

Next Mon

ROAD COMMISSION FOR IONIA COUNTY

170 E. Riverside Drive • P.O. Box 76 • Ionia, Michigan 48846 • Phone (616) 527-1700 • Fax (616) 527-8848

HERBERT C. CUSACK
Commissioner

EARL S. STRATER
Commissioner

FREDERICK A. CHAPMAN
Commissioner

DOROTHY G. FOHL, CPA
Managing Director

WAYNE A. SCHOONOVER, P.E.
County Highway Engineer

May 12, 2010

Mr. Larry Kline
1089 Somers Rd.
P.O. Box #16
Ionia, MI 48846

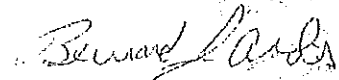
RE: Eight Unit Mobile Home Park, Ionia Township, Section 26

Dear Mr. Kline:

The Ionia County Road Commission has completed the review and approves your preliminary plan for your proposed Mobile Home Park for eight units. Once you have complete engineering drawings showing detailed layout and topographical information please submit a signed and sealed copy for our further review.

If you or your engineers have any questions, please feel free to contact me.

Sincerely,



Bernard J. Ardis
Permit Agent/Weighmaster
Ionia County Road Commission

Cc: John M. Bush, Ionia County Drain Commissioner



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

ANDREW S. LEVIN
ACTING DIRECTOR

MEMORANDUM

Date: February 1, 2011

To: Manufactured Housing Commission

From: Gerrit Bakker, Building Division, BCC 

Subj: REQUEST FOR VARIANCES in the matter of:
Oakwood Shores, Inc., d/b/a Whispering Oaks Mobile Home Park (Roscommon County)
License No. 1200837 / Plan Review Division Project No. (na)

Ref: (a) R 125.1941(1), Rule 941(1) – A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance: (a) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

Purpose. To consider the enclosed submission from Daniel C. Thom, President and Operator of the Licensee, requesting that the Commission grant two specific distance reduction variances for a currently vacant lot in his existing manufactured housing community in order to address two distance encroachments by an adjacent occupied lot. Approval of these variances, one from 20 to 17 feet and the other from 10 to 9 feet, would allow a proposed home to be placed on this currently vacant lot.

Background. This community was initially licensed in 1979 for 63 home sites. Mr. Thom, through his corporation, acquired the community in 1995 and it is currently licensed for only 26 sites. As more fully explained in his enclosed submission, Mr. Thom inherited the existing distance encroachments between the existing home and shed on Lot 220 and the vacant Lot 222. Included with Mr. Thom's submission is a drawing that identifies the two encroachments with circles around the two measurements. Because the one measurement (between the Addition on Lot 220 and the proposed home on Lot 222) would be 17 feet versus the required 20 feet, and because the second measurement (between the shed on Lot 220 and the proposed steps on the proposed home on Lot 222) would be 9 feet instead of the required 10 feet, Mr. Thom is unable to install a new home on the vacant Lot 222 without approval of these two variances.

Justification. In his enclosed letter, Mr. Thom explains more fully the exceptional practical difficulties that he has encountered in attempting to install a new home on Lot 222 without violating the above referenced rule on minimum distances. His attached drawing clearly identifies the limiting factors.

Discussion. Whether this filing listed on the next pages demonstrates an exceptional practical difficulty to compliance that supports the need for variances under the criteria of R 125.1948, Rule 948, hinges upon whether the Commission believes the Rule's intent regarding exceptional practical difficulty would include relocating, repositioning, or eliminating structures or structurally fragile manufactured homes. If

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MEMORANDUM – REQUEST FOR VARIANCE

Oakwood Shores, Inc., d/b/a Whispering Oaks Mobile Home Park

February 1, 2011

the Commission is persuaded that all or some homes or structures may remain as located, there may be grounds for approving some or all of these requests with the condition that Mr. Thom complies with the respective 10 and 20 foot setback standards when homes or structures on the lots proposed for variance are removed.

Recommendation. The Bureau's Plan Review Division is neutral on these two variance requests and has no objection to their approval. If the Commission is convinced by stated justifications, there may be grounds for approving these variances. The Commission may also wish to attach a condition requiring any future replacement homes or structures on Lots 220 and 222 to be sited in compliance with the distance and setback requirement established by R 125.1941, Rule 941.

GHB/ghb

Encl: (1) Oakwood Shores, Inc., letter of 10 Jan 2011 (w/attachments)

cc: Larry Lehman, BCC, Building Div
Todd Cordill, BCC, Plan Review

January 10, 2011

Oakwood Shores, Inc./ Whispering Oaks Mobile Home Park
418 Shayne Circle
P.O. Box 38
Houghton Lake, Michigan 48629-0038

State of Michigan
DELEG/Bureau of Construction Codes/Manufactured Housing Commission
Office of Local Government & Consumer Services
P. O. Box 30254
Lansing, Michigan 48909

Re: Two variance requests for lot 222 in Whispering Oaks Mobile Home Park

Dear Mr. Degroat

Management of Whispering Oaks Mobile Home Park, Houghton Lake, Michigan, License number 1200837 would like to make two variance requests on lot 222. Lot 220, 222 and 224 were built in 1984, to the best of our knowledge. Lot 406 and 408 were built in 1992. The home on lot 220 was built in 1977, and installed in (1989?). The home on lot 224 was built in 1992, and installed in 1992. Lot 222 is currently vacant. The home on lot 406 was built in 1999 and install in 1999. The home on lot 408 was built in 2000 and installed in 2000.

R 125.1941 Required distances between homes and other structures.

Rule 941. (1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line whichever provides the greater distance:

(a) - For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.

Variance #1 Proposed home for lot 222 would have 17 feet between the home and the 14 foot wide addition on adjacent home. Management requests a variance to reduce the required 20 feet to 17 feet between proposed home for lot 222 and the existing 14 foot wide addition on adjacent home.

Reasons for variance: Oakwood Shores, Inc. purchased Whispering Oaks Mobile Home Park in 1995 and the home, attached and detached structures were existing on lot 220. Lot 220, 222, and 224 are 40 feet wide. Lot 222 became vacant in 2007. On lot 222, Management needs 22 feet on the left side of proposed home so a 12 foot carport could be added and still meet the 10 foot setback requirement between carport and adjacent home on lot 224. When entrance steps to a home are located under a 10 foot wide carport there is not enough room for a car to park under the carport beside the entrance steps, but a 12 foot carport has sufficient room. On the right side of the proposed home the remaining distance is 17 feet between the proposed home and the 14 foot wide addition to the adjacent home. This variance would only be needed because of the 14 foot wide addition on the adjacent home.

The proposed home would also be closer to the electrical and gas pedestals, making it easier for connecting to the home.

Page 1 of 2

R 125.1941 Rule 941 (1) (g) - Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

Variance #2 - Management requests a variance to reduce the required 10 feet, to 9 feet between existing shed on lot 220 and rear steps of proposed home on lot 222.

Reason for variance: The shed on lot 220 is 10 feet X 16 feet and would be difficult and costly to move because of its size and age. If the shed were moved over it would put the entrance door farther behind the home addition, making it harder to enter the shed. Portable rear entrance steps are not large, with 3 or 4 steps and a landing 3 feet wide. Management believes small portable steps a distance of 9 feet from a shed are not dangerous and are a convenience to the home. It is possible the rear entrance door and steps on the proposed home would be located far enough ahead to meet the required 10 foot distance from the adjacent shed, but if this becomes a question to a prospective Resident, it is more than apt to discourage the Resident from moving into the community. It is better to have a variance already in place.

The following are included with this request:

1. A signed affidavit verifying accuracy of all measurements.
2. Diagrams for the requested variances.

If you have any questions, please feel free to call me at the community office 989-366-5495.

Sincerely,

Oakwood Shores, Inc.

Daniel C. Thom, Pres.

Daniel C. Thom, President

cc: Connie S. Bolmer, DPOA for Geraldine Voelker - lot 220
Thomas Wittersheim and Lorraine Palm - lot 224
Carol Asher, Denton Township Clerk

Affidavit


To: State of Michigan
DELEG/Bureau of Construction Codes/Manufactured Housing Commission
Office of Local Government & Consumer Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Whispering Oaks Mobile Home Park
Roscommon County, Michigan

I hereby certify that all measurements submitted to the DELEG/Bureau of Construction Codes/Manufactured Housing Commission, Office of Local Government & Consumer Services, in my January 2011 request for variances to lot 222 in the Whispering Oaks Mobile Home Park are accurate.

Oakwood Shores, Inc.

Daniel C. Thom

Daniel C. Thom, President


Sworn to and subscribed before me, a Notary Public in and for the County of Roscommon, State of Michigan, this 11th day of January 2011.

Linda E. Roberts

Notary Public

My commission expires: _____

LINDA E. ROBERTS Notary Public, State of Michigan County of Roscommon My Commission Expires Oct. 05, 2015 Acting in the County of _____

January 10, 2011

Dear Carol Asher

Enclosed is a letter to Mr. Degroat of the Manufactured Housing Division requesting variances on vacant lot 222 in Whispering Oaks Mobile Home Park, Houghton Lake, Michigan.
The Denton township clerk is to be notified.

Sincerely

Oakwood Shores, Inc.

Daniel C. Thom, Pres.

Daniel C. Thom, President

January 10, 2011

Dear Thomas Wittershiem and Lorraine Palm

Enclosed is a letter to Mr. Degroat of the Manufactured Housing Division requesting variances on vacant lot 222 in Whispering Oaks Mobile Home Park, Houghton Lake, Michigan. Adjacent Residents are to be notified.

Sincerely

Oakwood Shore, Inc.

Daniel C. Thom, Pres.

Daniel C. Thom, President

January 10, 2011

Dear Connie S. Bolmer, DPOA for Geraldine Voelker

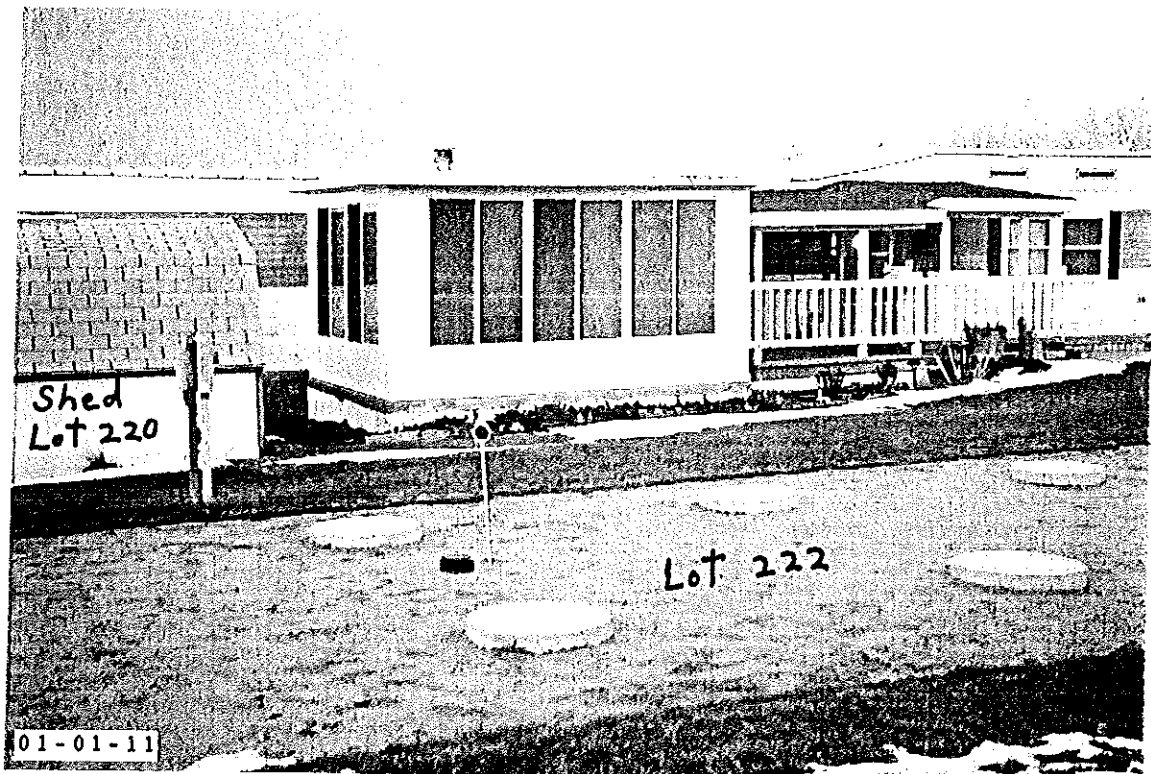
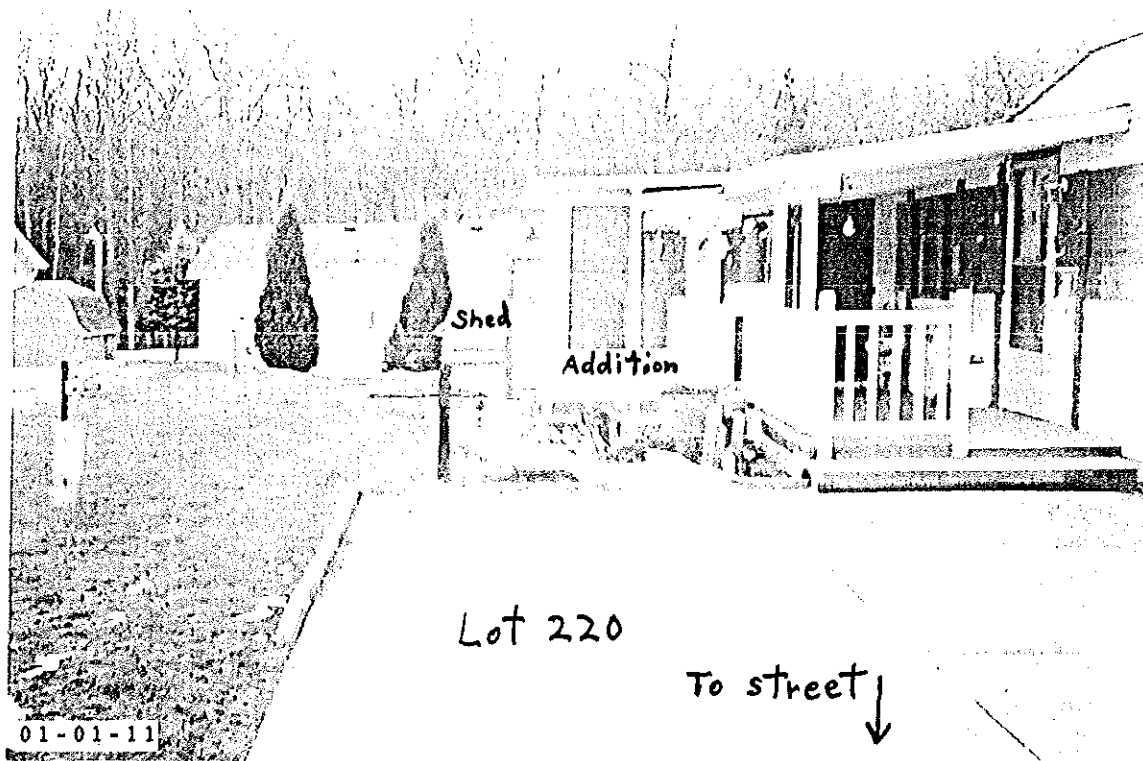
Enclosed is a letter to Mr. Degroat of the Manufactured Housing Division requesting variances on vacant lot 222 in Whispering Oaks Mobile Home Park, Houghton Lake, Michigan. Adjacent Residents are to be notified.

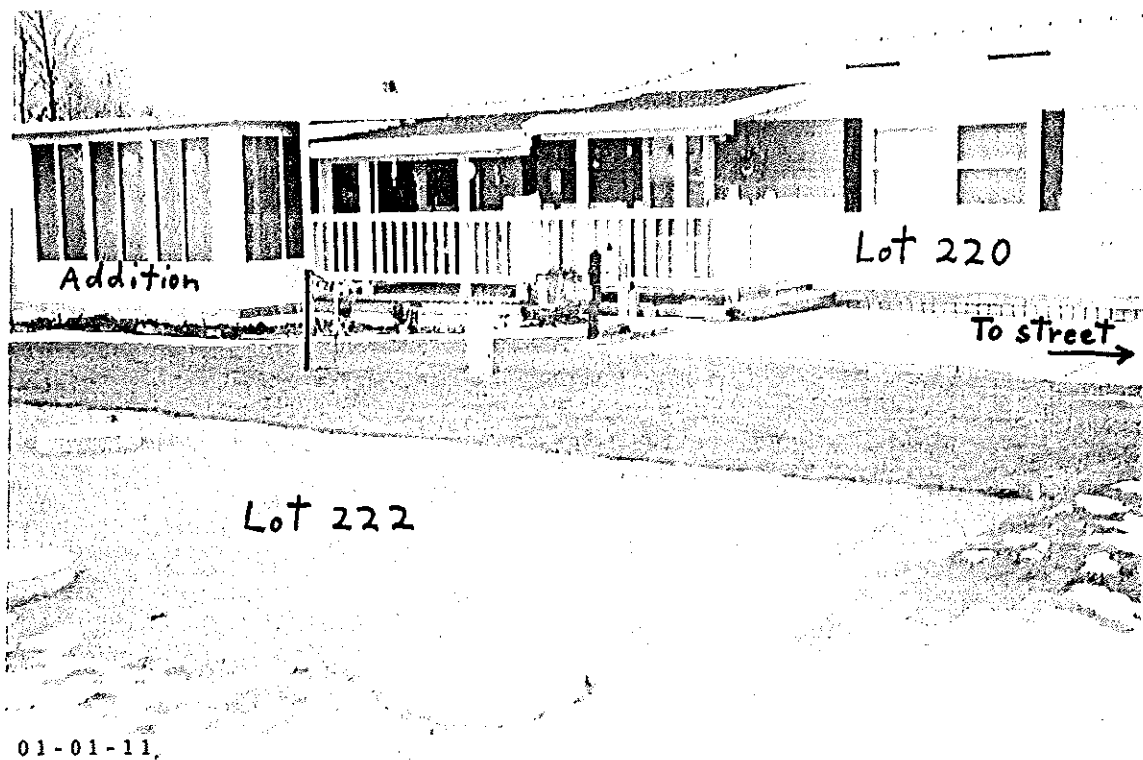
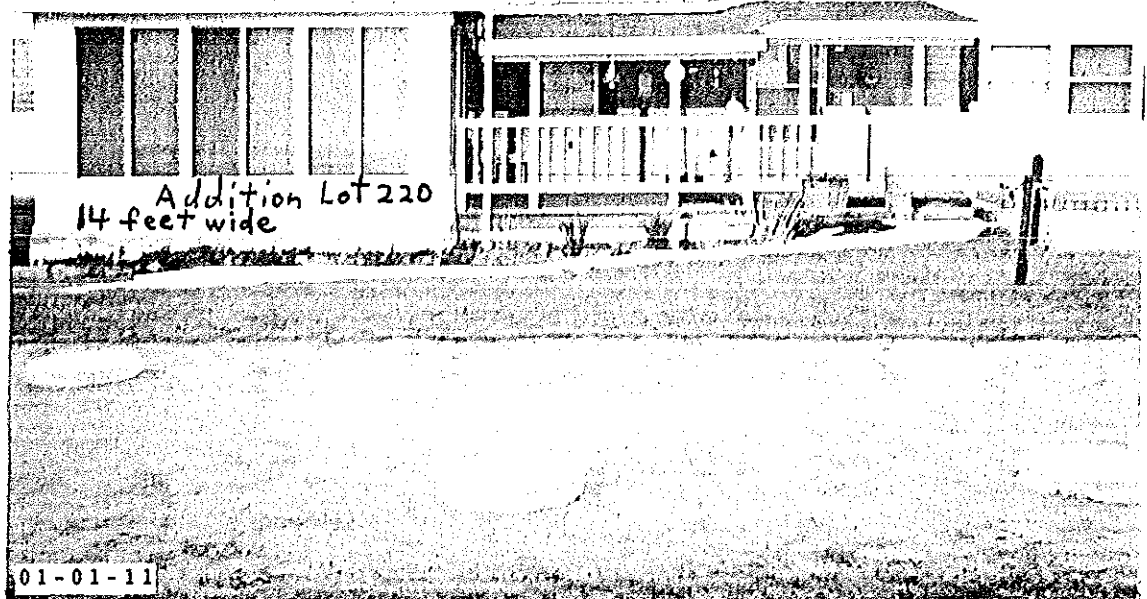
Sincerely

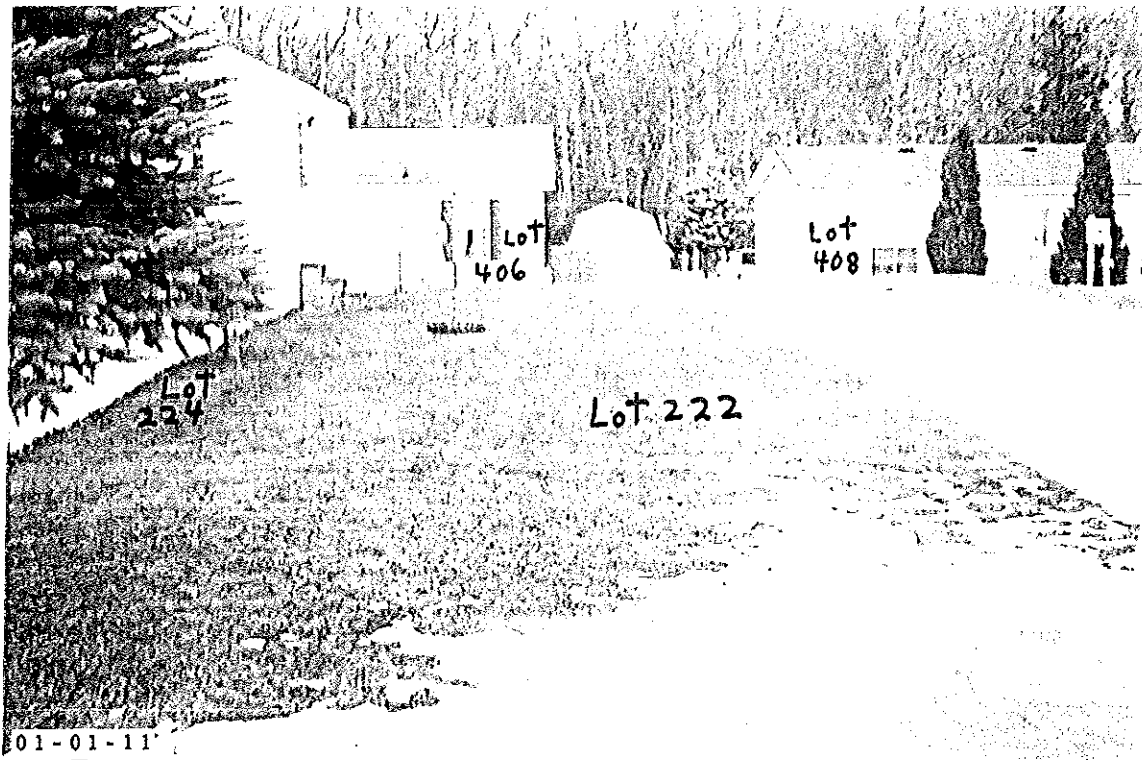
Oakwood Shore, Inc.

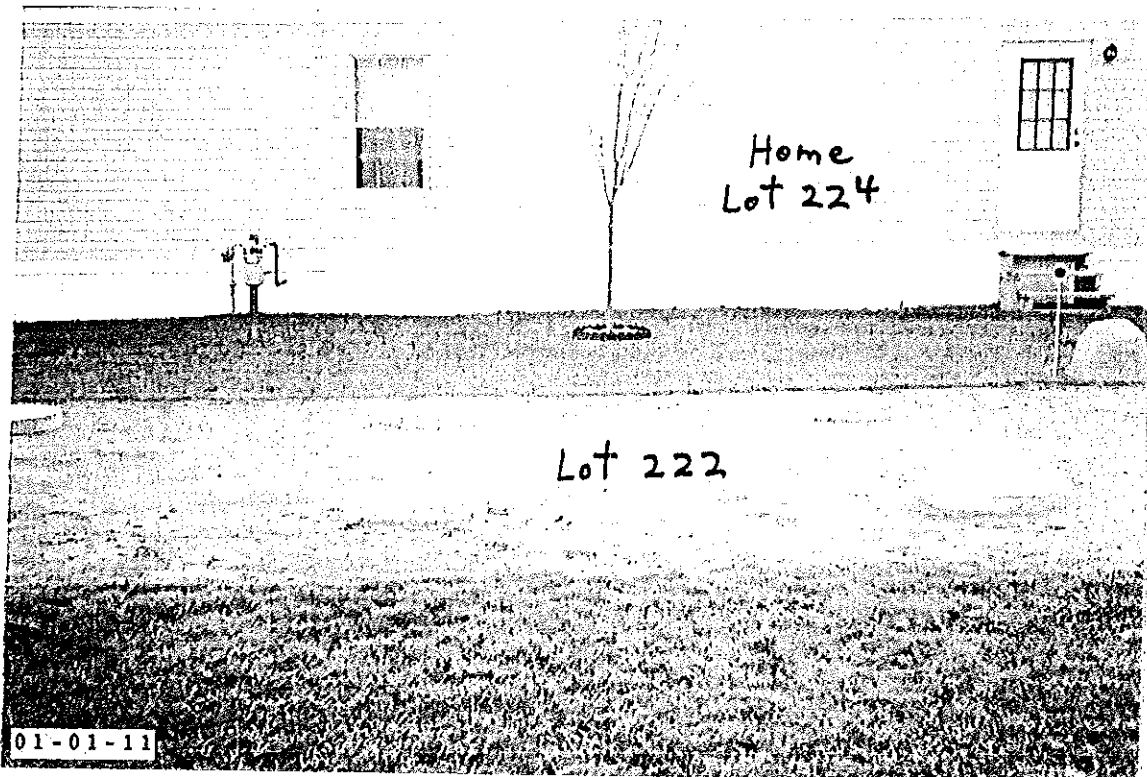
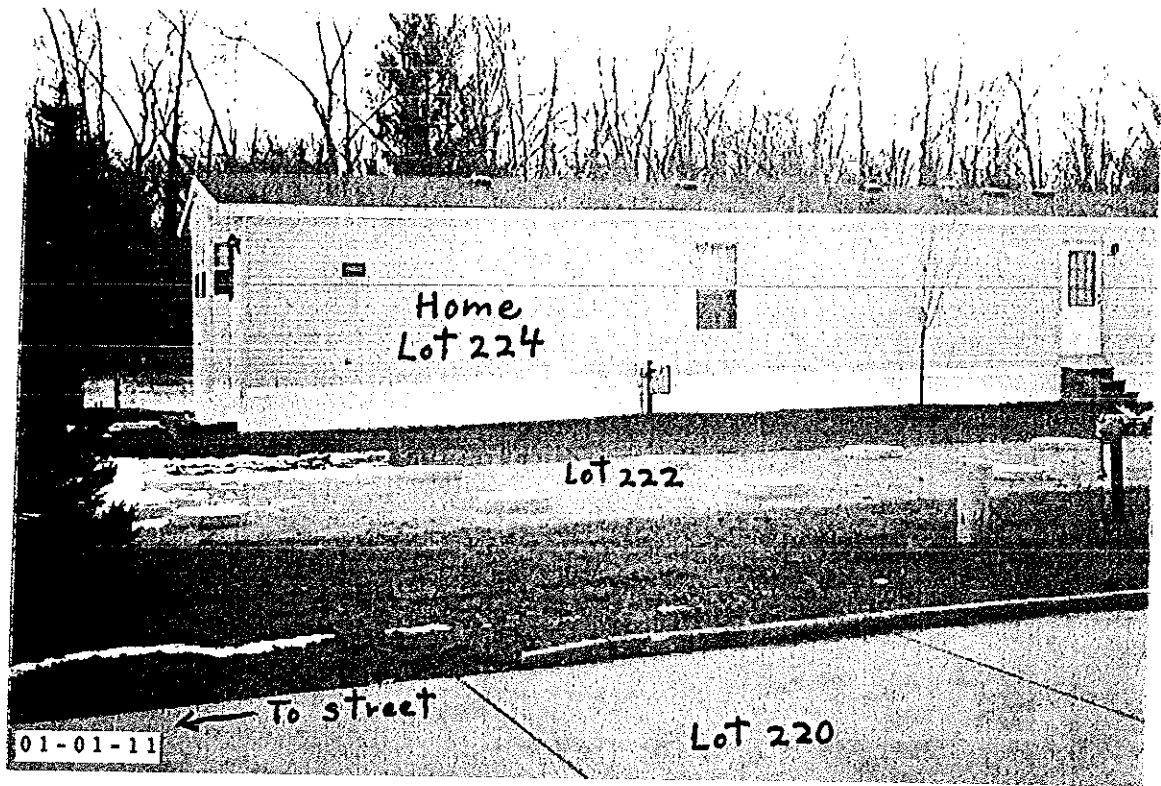
Daniel C. Thom, Pres.

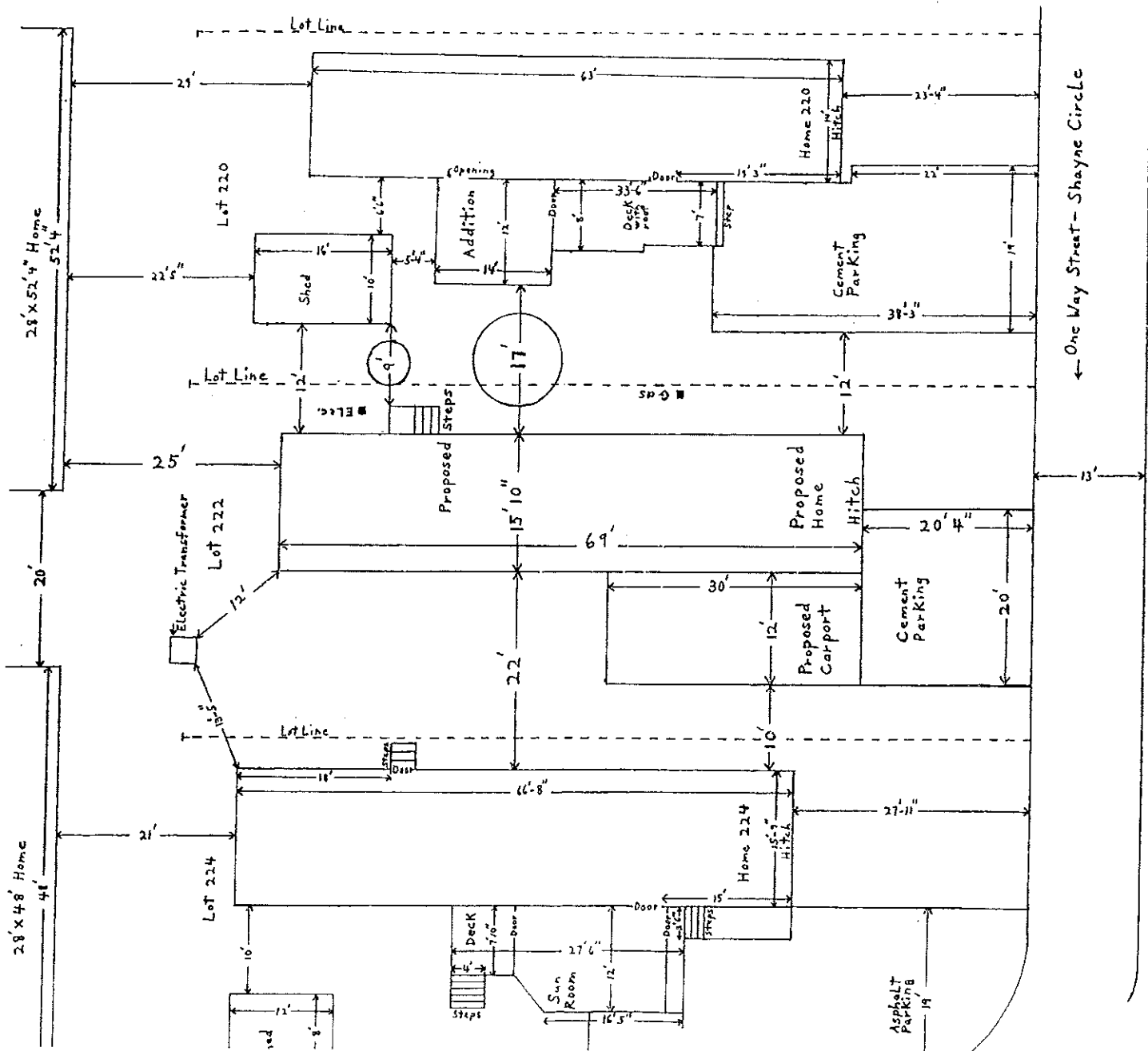
Daniel C. Thom, President











1200837 - Whispering Oaks Mobile Home Park
 3517 West Houghton Lake Drive
 Houghton Lake, MI 48629
 Daniel C. Thom 989-366-5495

PENDING LICENSE APPROVALS
FEBRUARY 16, 2011 – MANUFACTURED HOUSING COMMISSION

INSTALLER/SERVICER	RETAILER
Cary Grayvold Pro Mobile 175 Bancroft Imlay City, MI 48444	
Charles Browning 2500 Holmes Road, Lot 521 Ypsilanti, MI 48198	